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U. S. DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY.
D. E. SALMON, D. V. M., Chief.

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NATIONAL AND STATE DAIRY LAWS.

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COMPILED AND ABSTRACTED
BY
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WASHINGTON:
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1900.

LETTER OF TRANSMITTAL.

U. S. DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Washington, D. C., November 21, 1900.

SIR: I have the honor to transmit herewith, and recommend for publication as a bulletin of this Bureau, a manuscript entitled "National and State Dairy Laws," prepared by Mr. R. A. Pearson, assistant chief of the Dairy Division. This manuscript contains brief abstracts of all National and State dairy laws now in force and the full texts of those which have been enacted since 1898. The laws then in force were published in the Fourteenth Annual Report of this Bureau. There has been considerable dairy legislation during the past few years, and in this connection numerous requests for information as to the laws of the various States have been received. This bulletin will assist in answering such inquiries, and will be especially useful in States where it is proposed to enact new dairy laws during the coming session of the legislatures.

Respectfully,

D. E. SALMON,
Chief of Bureau.

Hon. JAMES WILSON,
Secretary.

Withdrawn

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NATIONAL AND STATE DAIRY LAWS.

INTRODUCTION.

Abstracts and full texts of all national and State laws applying to dairy products and their imitations were published in 1898 in the Fourteenth Annual Report of the Bureau of Animal Industry, and later reprinted in separate form. The call for such information was much larger than had been anticipated and necessitated a second reprint. Since that compilation was made there has been considerable new legislation on the subject, and this has required replying to many inquiries by letters to supplement the printed volume. It now seems advisable to show all the changes that have been made and the new laws that have been enacted.

In the last two years new dairy laws have been passed in twenty States, the most common subject of legislation being renovated butter, the manufacture of which has rapidly increased; it is customary to permit it if plainly labeled. In some States the dairy laws have been repealed and reenacted with slight changes, and it would be well if the same were done in some other States where the laws are unnecessarily numerous and bulky. Only a few laws or parts of laws have been repealed by name. Usually new laws "repeal all acts or parts of acts in conflict," and this often leaves the compiler in doubt as to whether an old law is still operative or not; in some cases it might require a court decision to determine the point. When there is doubt as to whether or not a law is in force, it is printed in full.

It is believed this compilation is complete, though some laws of a general nature referring indirectly to dairy products may have been overlooked and omitted. In each case the names of the acts have been referred to the State officer especially charged with their enforcement or, where there is no such officer, to the secretary of state, with request that any omissions or corrections be noted. It has been chosen to include some laws which refer but remotely to dairying rather than risk omitting any that might be of interest in this connection.

As in the 1898 compilation the table and abstracts are arranged in the following order: State dairy officials, milk, butter, cheese, imitation butter, imitation cheese, miscellaneous, pure food. It is obviously impossible to arrange the full laws in the same way. As the laws which were printed in 1898 are given here by reference only it is an easy matter to find and examine the latest dairy legislation.

It is hoped this revised compilation and the abstracts will be useful where new dairy laws are needed, as well as where those now on the statute books are not as generally known as they should be; also that it will emphasize the need of clearer legislation in some States where it is evident that the dairy interests have not been protected as was apparently intended by those who passed the laws now in force.

PRINCIPAL SUBJECTS ON WHICH DAIRY LAWS HAVE

[Numbers in the first column show the pages of this bulletin where brief abstracts of the laws full on the subjects named at the heads of the columns. The plain figures refer to pages in bulletin. D. Defined only. P. Must be colored pink. A plus mark (+) following a page

States, etc.	Page of abstract.	State dairy commissioner or similar officer.	Milk.					Butter.		Cheese.		
			Standard prescribed.	Skim milk regulated.	Condensed milk regulated.	Impure milk restricted.	Other milk laws.	Defined or standard fixed.	Other butter laws.	Defined, standard prescribed or grades established.	Registered brands provided.	Other cheese laws.
United States	9						563+	D. 556	563	D. 560		563
Alabama	10											
Arizona	10											
Arkansas	10							D. 564				
California	10	568, 39				38+			564	565	564	
Colorado	11	568								569	569	
Connecticut	11	571+, 41		572		572+			573			
Delaware	12											
District of Columbia	12		580	577+		577+	576+, 578					
Florida	12											
Georgia	13		581	581		581						
Idaho	13											
Illinois [1]	13	43+	43	583+	588	583+	584					
Indiana [2]	14	47		589		589			589			589
Iowa	15	589+	592			592	591					592
Kansas	15			593		593						
Kentucky	16			594		594						
Louisiana	16								50			50
Maine	16		596	596		596+		D. 598		D. 598		
Maryland	17						51+					
Massachusetts	17	601+	54	603+	605	603	54	D. 606		D. 606		
Michigan	18	608+, 55+	615	615		613+, 56		D. 58	613		612	613
Minnesota	19	623, 59+	60	60, 62		60+, 64+	623, 61+		61, 63+	62+	62	61, 63+
Mississippi	20											
Missouri	20									D. 625		624+
Montana	21											
Nebraska	21	67+		628, 631		628	631		628, 68+			628, 68+
Nevada	22			632		632						
New Hampshire	22		635	634		635	634	D. 635		D. 635		
New Jersey	23	639, 644+	37	637, 640		636+, 640		D. 643	642	D. 643		642
New Mexico	23											
New York	24	652+, 72+	654	655	655+	654+	655, 657	D. 654	657, 74	D. 654	657, 74	657, 74
North Carolina	25							D. 658				
North Dakota	25	77+	79			79	78+		78		78	78+
Ohio	26	661+	663	663, 665	665	663, 665		666		D. 666	668	664, 667
Oklahoma	27					670						
Oregon	27	83+	83		83	84		83	84	83		84
Pennsylvania	28	673+, 86+	675	675+		575+	674+			678	678	
Rhode Island	29		682	682		682	681, 89		680			
South Carolina	30		683	683		683						
South Dakota	30							D. 684		D. 684		
Tennessee	30											
Texas	31											
Utah	31	93+		91		91	91+		91+			91+
Vermont	31		689+	689		689, 691	689 95+	D. 690	690, 95+			690, 96
Virginia	32			691		691			691			692
Washington	33	100+, 104+	99	103		99	100, 102		100, 103	99	99	99
West Virginia	34											
Wisconsin	34	105+	107			106+			109		106, 108	107, 109
Wyoming	35						109					
Canada	35			704		704+			706+		705+	705+

[1] See footnote, page 45.

[2] See footnote, page 48.

BEEN ENACTED IN THE UNITED STATES AND CANADA.

may be found: numbers in other columns refer to the pages where may be found the laws in the Fourteenth Annual Report, B. A. I. Numbers expressed in *italics* refer to pages in this number signifies "and following page or pages."]

Imitation butter. Oleomargarine, etc.					Imitation cheese (including filled cheese).				Miscellaneous.				States, etc.
Prohibited.	Yellow color prohibited.	Label on packages, or notification of use required.	Other laws.	Renovated butter, label required.	Prohibited.	Yellow color prohibited.	Label or notice required.	Other laws.	Care of cows regulated.	Testing and paying for milk regulated.	Other miscellaneous laws.	General pure-food law.	
.....	.....	557	556+, 563	.....	.....	.....	561	560+, 563	.....	.....	563	.....	United States.
.....	563	563	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	Alabama.
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	Arizona.
.....	.....	564	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	Arkansas.
.....	565	566	567	*38*	.....	565	566	567	.....	.....	567	.....	California.
.....	569	.....	.....	.....	.....	569	569	.....	.....	.....	.....	.....	Colorado.
.....	571	571	.....	.....	.....	.....	.....	.....	.....	.....	*41*	573+, *41*	Connecticut.
.....	575	576	.....	.....	574	.....	.....	.....	.....	.....	.....	.....	Delaware.
.....	.....	579	.....	.....	.....	.....	579	.....	.....	.....	580	579+	District of Columbia.
.....	.....	*42*	.....	.....	.....	.....	.....	.....	.....	.....	.....	*42*	Florida.
.....	582	582	.....	.....	.....	582	582	.....	.....	.....	.....	.....	Georgia.
.....	.....	583	.....	.....	.....	.....	.....	.....	.....	.....	.....	583	Idaho.
.....	587	585+, 587+	.....	.....	.....	.....	585+	.....	584	.....	585, 587	586, 588, *45+*	Illinois.
.....	.....	589	.....	.....	.....	.....	.....	.....	.....	.....	.....	*47*	Indiana.
.....	590	590	.....	.....	.....	590	590	.....	592	589, 591	591	.....	Iowa.
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	593+	Kansas.
.....	595	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	594+	Kentucky.
.....	.....	596	.....	.....	.....	.....	.....	.....	.....	.....	.....	*49+*	Louisiana.
598	.....	.....	.....	.....	598	.....	.....	.....	.....	597	596	.....	Maine.
.....	*52*	*52+*	*52*	.....	.....	.....	.....	.....	*51*	.....	600+, *51*	599+	Maryland.
.....	607	605, 608	.....	*54*	.....	.....	605	.....	608	.....	602+	.....	Massachusetts.
.....	.....	*58*	617	*57*	612	.....	.....	.....	.....	.....	614	611+	Michigan.
.....	*62*	*63+*	.....	622, *65*	*62*	*62*	.....	.....	*60*	*61*	623, *62*	*61*, *64*, *66*	Minnesota.
.....	.....	623	623+	.....	.....	.....	.....	.....	.....	.....	62?	.....	Mississippi.
.....	626	625+	.....	.....	.....	.....	624+	.....	.....	.....	624	.....	Missouri.
.....	.....	627+	628	.....	.....	.....	627+	628	628	.....	.....	.....	Montana.
.....	629	628+	*68+*	.....	.....	629	628+	*68+*	.....	*67*	631	631+	Nebraska.
.....	.....	633	.....	.....	.....	.....	.....	.....	632	.....	633	.....	Nevada.
.....	636	636	.....	.....	.....	.....	636	.....	.....	.....	633+	.....	New Hampshire.
.....	643, 646	643, 645	.....	.....	.....	643	643, 645	.....	637	.....	638+ *72*	648+	New Jersey.
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	652	650+	New Mexico.
656 *73*	656 *73*	.....	.....	*73*	656 *73*	656 *73*	.....	.....	655	.....	653, 655	*74*	New York.
.....	.....	658	.....	.....	.....	.....	.....	.....	.....	.....	.....	*75+*	North Carolina.
.....	*80*	*80*	.....	*80*	.....	.....	*80*	.....	*79*	.....	.....	.....	North Dakota.
.....	666	663+, 666	663, 665	.....	.....	.....	663+, 667+	663, 665	665	.....	665	669, *81*	Ohio.
.....	.....	.....	.....	*84*	.....	.....	.....	*84*	*82+*	.....	.....	670	Oklahoma.
.....	.....	.....	.....	*82*	.....	.....	.....	.....	.....	.....	.....	*82+*	Oregon.
.....	*87*	*87+*	679, *87*	*86*	.....	.....	.....	679	.....	.....	676	679+	Pennsylvania.
.....	.....	680	.....	.....	.....	.....	.....	.....	.....	.....	682	.....	Rhode Island.
.....	683	684	.....	.....	.....	683	684	.....	.....	.....	.....	.....	South Carolina.
.....	P. 685	685	.....	.....	.....	.....	.....	.....	.....	.....	684	685, *90*	South Dakota.
.....	686+	686	.....	.....	.....	.....	686	.....	.....	.....	687	687+	Tennessee.
.....	*92*	*92*	*92+*	.....	*92*	.....	.....	.....	.....	.....	*91*	.....	Texas.
.....	P. 690	.....	.....	.....	690	.....	.....	.....	.....	*95*	689	*96*	Utah.
.....	692+	691	.....	.....	692+	.....	.....	.....	.....	.....	691	*97+*	Vermont.
.....	*100*	*100*	.....	*103*	*99+*	.....	.....	.....	.....	.....	.....	*104+*	Virginia.
.....	P. 697	697	.....	.....	.....	.....	697	.....	.....	.....	.....	697	Washington.
.....	*107*	*108*	*107+*	*108*	*107*	.....	.....	*108*	*107+*	.....	.....	*109*	West Virginia.
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	*109+*	Wisconsin.
704	.....	.....	.....	.....	705	.....	.....	.....	.....	704	706+	.....	Wyoming.
													Canada.

STATE STANDARDS FOR DAIRY PRODUCTS.

Standards for the composition of dairy products have been established in several States and are (in June, 1900) as follows:

States.	Milk.			Skim milk.	Cream.	Butter.	Cheese.
	Total solids.	Solids not fat.	Fat.	Total solids.	Fat.	Fat.	Fat.
	Per cent.	*Per ct.*	*Per ct.*	*Per ct.*	*Per ct.*	*Per cent.*	
California							Full cream, 30 p. ct. fat. Half skim, 15 p. ct. fat. Skim, from skim milk. (Fancy cheese excepted.)
Colorado							35 p. ct. total solids to be fat.
District of Columbia		9	3.5	9.3	20	83 Not over 12 per ct. water or 5 p. c. salt	
Georgia		8.5	3.5				
Illinois [1]	12		3		[2] 15	80	48 p. ct. total solids, fat.
Indiana		9	3			80	10 p. ct. milk fats.
Iowa	12.5		3		15	Not over 15 per ct. water or 6 p. c. salt	
Maine	12		3				
Massachusetts	13	9.3	3.7	9.3			
April-September	12	9	3				
Michigan	12.5		3				
	Sp. grav. 1.029–33			sp. grav. 1.032–37			
Minnesota	13		3.5		20		45 p. ct. total solids to be fat.
Missouri							From milk testing at least 3 p. ct. fat.
New Hampshire	13						
New Jersey	12						
New York [3]	12		3				Skim, from skim milk.
North Dakota	12		3		15		Skim, from skim milk.
Ohio [3]	12		3			80	20 p. ct. fat.
May and June	11.5						
Oregon [3]	12	8	3	sp. grav. 1.038	20	Not over 14 per ct. water.	
Pennsylvania (Milk and skim-milk standards refer to cities of 2d and 3d class.)	12.5 Sp. grav. 1.029–33		3	2.5 p. c. fat. 6 per ct. cream by vol. sp. grav. 1.032–37			Full cream, 32 p. ct. fat. Three-fourths cream, 24 p. ct. fat. One-half cream, 16 p. ct. fat. One-fourth cream, 8 p. ct. fat. Skim, below 8 p. ct. fat. (Fancy cheese weighing less than 5 pounds excepted.)
Rhode Island	12		2.5				
South Carolina		8.5	3				
Utah				9 per ct. solids not fat. [4] 4			Skim, size regulated.
Vermont	12.5	9.25					
May and June	12						
Washington		8	3		18		Full cream, 30 p. ct. fat. Skim, 15 per ct. fat. (Fancy cheese excepted.)
Wisconsin			3				Skim, size regulated.

[1] Condensed milk shall be made from milk containing at least the legal standard of 3 per cent butter fat and evaporated to one-third or less of its original volume.

[2] Coffee cream shall contain at least 15 per cent of fat, and whipping cream 22 per cent fat.

[3] Milk solids of condensed milk shall be in quantity the equivalent of 12 per cent of milk solids in crude milk, of which solids 25 per cent shall be fat.

[4] As basis for payment at factories.

ABSTRACTS OF DAIRY LAWS.

In the following abstracts it is aimed to state briefly the principal features of all the national and State laws now (June, 1900) in force which apply to dairy products or their imitations, omitting matters of minor interest, as references to penalties, details of enforcement, disposition of fines, etc.

States having dairy commissioners or other officers specially charged with the enforcement of dairy laws usually give such officers necessary authority for securing evidence, having analyses made, and conducting prosecutions; it is also customary to allow them necessary traveling expenses in addition to the regular salary.

When a subject is followed by the words "No law," it should be understood there is no *special* law on that subject. It may, however, be covered by a pure-food or other law, an abstract of which is given under another heading.

UNITED STATES.

Milk. Import duty on fresh milk, 2 cents per gallon. *Condensed milk.*—Import duty on preserved, condensed, or sterilized milk, 2 cents per pound.

Butter. Butter is defined as the food product usually known as butter and made exclusively from milk or cream, with or without salt or color. Import duty, 6 cents per pound.

Cheese. Cheese is defined as the food product known as cheese and made exclusively from milk or cream, with or without coloring matter. Import duty, 6 cents per pound.

Oleomargarine and filled cheese. Each original package of oleomargarine or filled cheese must bear a prescribed label. Regulations concerning reports, etc., of manufacturers and branding of all packages not provided for by the law are made by the Commissioner of Internal Revenue. *Oleomargarine.*[1]—Oleomargarine is defined as certain (enumerated) manufactured substances, extracts, mixtures, and compounds, including such mixtures and compounds with butter, made in imitation of butter and intended to be sold for butter. Taxed 2 cents per pound (except that for export, which is not taxed). Import duty, 6 cents, and internal revenue tax on imported oleomargarine, 15 cents per pound. Manufacturers, wholesale dealers, and retail dealers are defined and taxed, respectively, $600, $480, and $48. *Filled cheese.*—Filled cheese is defined as all substances made from milk or skimmed milk with admixture of butter, oils, or compounds foreign to such milk, and made in imitation of cheese. Taxed 1 cent per pound. Import duty, 6 cents, and internal revenue tax on imported filled cheese, 8 cents per pound. Original packages shall be plainly branded "Filled cheese," and signs must be displayed where sales are made. Manufacturers, wholesale dealers, and retail dealers are defined and taxed, respectively, $400, $250, and $12.

Miscellaneous. Import duty on sugar of milk, 5 cents per pound.

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[1] See footnote, page 37.

ALABAMA.

Milk. (No law.)

Butter. (No law.)

Cheese. (No law.)

Imitation butter. No article which is in imitation of pure yellow butter and is not made wholly from pure milk and cream shall be manufactured, nor sold, nor used in any public eating place, hospital, or penal institution, etc.; but oleomargarine, free from color or other ingredient to cause it to look like butter, and made in such a manner as will advise the consumer of its real character, is permitted; it must be stamped with its name.

Imitation cheese. (No law.)

Miscellaneous. (No law.)

ARIZONA.

(No dairy laws.)

ARKANSAS.

Milk. (No law.)

Butter. Butter is defined as a product manufactured exclusively from milk and cream.

Cheese. (No law.)

Imitation butter. Substitutes for butter, whether in wholesale or retail packages, shall be plainly labeled "Adulterated butter," "Oleomargarine," or such other names as shall properly describe them. In hotels, etc., dishes containing said articles must be plainly marked in same manner.

Imitation cheese. (No law.)

Miscellaneous. (No law.)

CALIFORNIA.

Dairy bureau. Three resident citizens, experienced in the manufacture of dairy produce, constitute a State dairy bureau. Period of office, four years; no compensation. Has charge of inspection of live stock and the investigation of dairies and creameries for unsanitary conditions; shall include statistical matter in annual report. Their agent receives $1,800 salary and is allowed as many as twenty assistants, at not over $4 per day, and chemists when necessary. Appropriation for bureau, $7,500 for fifty-first fiscal year and $5,000 for fifty-second fiscal year.

Milk. The sale of milk which is impure or the product of diseased cows is forbidden.

Butter. Roll butter when sold must be full weight.

Cheese. All cheese must be branded, with brands procured from and recorded at dairy bureau, "California full-cream cheese," if it is made from pure whole milk and contains at least 30 per cent fat; "California half-skim cheese," if made from pure milk and has at least 15 per cent fat; "California skim cheese," if made from pure skim milk. Fancy cheeses are excepted.

Imitation butter and cheese. Imitation butter and cheese is defined as any article not produced from pure milk or cream, salt, rennet, and harmless coloring matter, which is in semblance of butter or cheese and designed as a substitute for such. Shall not be colored to imitate butter or cheese, and must be in such form as will advise consumer of its real character. Every package must be plainly marked "Substitute for butter," or "Substitute for cheese," and accompanied by a statement giving name of manufacturer, ingredients, etc.,

a copy of which must be given to each purchaser, with verbal notice at the time of sale, in connection with which words like "creamery," "dairy," etc., are prohibited. Patrons of eating places shall be notified if substitutes of butter or cheese are used. Prohibited in State charitable institutions. *Process, or renovated, butter.*—Butter made from stale, rancid, or decomposed butter shall be plainly labeled "Process butter" or "Renovated butter."

Miscellaneous. State veterinarian may order slaughter of diseased animals at expense of owners.

County district attorneys shall prosecute offenders.

COLORADO.

Dairy commissioner. The dairy commissioner, appointed by the governor, shall be a practical dairyman; period of office, two years; salary, $1,200. May employ a deputy at salary of $1,000 per year and a chemist[1] at $10 per day. State appropriation $2,000 per annum for 1895 and 1896.

Milk. (No law.)

Butter. (No law.)

Cheese. All cheese must be branded, with brands procured from the dairy commissioner. "Colorado full-cream cheese," if not less than 35 per cent of total solids consists of butter fat; all containing less than this amount of fat, "Skim cheese."

Imitation butter and cheese. All articles not produced from pure milk or cream, in imitation of pure cheese or yellow butter, are prohibited; but oleomargarine and filled cheese are permitted if free from color or other ingredient to cause them to look like butter or cheese. They must be made in such form and sold in such manner as will advise the consumer of their real character. *Imitation cheese.*—Cheese containing any foreign fats, oleaginous substances, rancid butter, etc., shall be branded "Imitation cheese."

Miscellaneous. (No law.)

CONNECTICUT.

Dairy commissioner. The dairy commissioner is appointed by the governor; period of office, two years; salary, $1,500 per year. He may appoint a deputy at salary of $1,200 per year. (Office expenses limited to $1,000 per year.[2]) Two thousand five hundred dollars annually appropriated to the Connecticut Agricultural Experiment Station to carry out the provisions of the pure-food act.

Milk. Connecticut Agricultural Experiment Station may fix standard. *Skimmed milk.*—Skimmed milk must be plainly labeled. *Adulterated milk.*—The sale or delivery of adulterated, tainted, or diseased milk to a butter or cheese factory is prohibited.

Butter. Tub butter in prints, pats, etc., must be labeled "Tub butter."

Cheese. (No law.)

Imitation butter. Imitation butter, defined as any article resembling butter in appearance and not made wholly, salt and coloring matter excepted, from cow's milk, is prohibited; but oleomargarine or imitation butter, free from color or other ingredient to cause it to look like butter, and made in such form and sold in such manner as will advise consumer of its real character, is permitted. Words like "butter," "dairy," etc., shall not form a part of its name or appear on its package. Imitation butter shall be sold only in labeled packages, or registered places which display signs provided by the dairy commissioner, and purchasers

[1] See footnote, page 40. [2] See footnote, page 41.

shall be informed orally of the character of the article at the time of sale. Use of imitation butter in public eating places, bakeries, etc., must be made known by signs.

Imitation cheese. (No law.)

Miscellaneous. (No law.)

Pure food. Any article of food or drink is deemed adulterated if any inferior or injurious substance has been added to it, if any valuable constitnent has been removed, if it is an imitation of or sold as another article, if it is colored to conceal inferiority, if it contains any preservative not known to the purchaser, if it is decomposed or diseased, or the product of a diseased animal, etc. With certain exceptions, such articles are prohibited.

DELAWARE.

Milk. (No law.)

Butter. (No law.)

Cheese. (No law.)

Imitation butter and cheese. The manufacture or sale of any article not produced from unadulterated milk or cream, which is in imitation of pure yellow butter or designed to take the place of pure cheese, is prohibited; but oleomargarine is permitted if in a distinct form, free from butter color, and sold in such manner as to show its real character. It shall be plainly marked "Oleomargarine."

Miscellaneous. (No law.)

DISTRICT OF COLUMBIA.

Milk. Milk standard: 9 per cent solids not fat, 3½ per cent fat. Permit to sell milk must be obtained from health officer, who issues regulations for the government of dairies and the sale of milk. *Skimmed milk.*—Skim-milk standard, 9.3 per cent total solids. Must be plainly marked "Skim milk." *Adulterated milk.*—Diseased and unwholesome milk is prohibited. *Cream.*—Cream standard, 20 per cent fat.

Butter and cheese. Butter and cheese shall be made exclusively of milk or cream, with or without common salt. *Butter.*—Butter standard, 83 per cent fat and not more than 12 per cent water or 5 per cent salt.

Imitation butter and cheese. Substances in semblance of butter or cheese, not made exclusively of milk or cream, but with the addition of melted butter to take the place of cream, or any oil, shall be plainly branded on each package "Oleomargarine," and a label, similarly printed, must accompany each retail sale.

Miscellaneous. (No law.)

Pure food. Any food or drink is deemed adulterated if any inferior or injurious substance has been mixed with it, if any valuable constituent has been removed, if it is an imitation of or sold as another article, if it is decomposed or diseased, if it is colored to conceal inferiority, etc. With certain exceptions, which shall be made known to the purchaser, such articles are prohibited.

FLORIDA.

Milk. (No law.)

Butter. (No law.)

Cheese. (No law.)

Imitation butter. The sale of any spurious preparation, purporting to be butter, is prohibited. Guests at hotels, etc., must be notified if oleomargarine or other spurious butter is used.

Imitation cheese. (No law.)

Miscellaneous. (No law).

Pure food. The sale of any unwholesome provisions without knowledge of the buyer and the adulteration of any food with substance injurious to health are misdemeanors.

GEORGIA.

Milk. Milk standard, 3½ per cent fat, 8½ per cent solids not fat. *Skimmed milk.*—Skimmed milk is defined as milk below the standard. *Adulterated milk.*—The sale of adulterated, impure, or diseased milk is prohibited.

Butter. (No law.)

Cheese. (No law).

Imitation butter and cheese. Imitation butter or cheese is defined as any article not produced from pure milk or cream—salt, rennet, and coloring matter excepted—in semblance of butter or cheese and designed to be used as a substitute for either. Shall not be colored to resemble butter or cheese. Every package must be plainly marked "Substitute for butter" or "Substitute for cheese," and each sale shall be accompanied by verbal notice and by a printed statement that the article is an imitation, the statement giving also the name of the producer. The use of these imitations in eating places, bakeries, etc., must be made known by signs.

Miscellaneous. (No law.)

IDAHO.

Milk. (No law.)

Butter. (No law.)

Cheese. (No law.)

Imitation butter. Oleomargarine, butterine, imitation butter, or a mixture imitating butter shall be branded when sold, and shall not be sold as butter.

Imitation cheese. (No law.)

Miscellaneous. (No law.)

Pure food. The adulteration of any article of food or drink with fraudulent intent, or sale of same as unadulterated, is a misdemeanor.

ILLINOIS.

State food commissioner. The State food commissioner is appointed by the governor; first term after passage of law, two years; thereafter four years; salary, $2,500 per annum. He may appoint two assistant commissioners, one an expert on dairy products, the other a chemist to be known as State analyst, at $1,800 each per year, and not exceeding six inspectors at $3 per day. His authority extends to all foods. State board of health shall assist in collecting samples, and State's attorney shall prosecute cases. Annual reports are made to the governor, and the publication of monthly bulletins is authorized. One thousand five hundred dollars is appropriated for the establishment of a chemical laboratory, and $600 per year for its maintenance.

Milk. Milk standard, 12 per cent total solids, 3 per cent fat (must be from healthy cows and free from preservative).[1] Cans and vehicles used in the retail trade of milk shall be marked with the dealer's name and the locality whence milk comes. *Cream.*—(Coffee cream shall contain at least 15 per cent fat and whipping cream 22 per cent fat.)[1] *Skimmed milk.*—Skimmed milk may be sold as such, and each can or vessel shall be plainly marked "Skimmed milk." *Condensed milk.*—(Condensed milk shall be made from milk containing at least 3 per cent of butter fat and evaporated to one-third or less of original volume. The word

[1] See footnote, page 45.

"cream" on cans is evidence of fraud; condensed skim milk must be so labeled. Canned goods must be labeled to show grade, and name of manufacturer.)[1] The addition of sugar to condensed milk is permitted. *Adulterated milk.*—The sale of adulterated or diseased milk, or its delivery to a factory, is prohibited. Adulteration after delivery to a factory is a misdemeanor.

Butter. (Shall contain at least 80 per cent fat.)[1] Cooperative creameries and butter factories shall give bond in the penal sum of $6,000 and keep a monthly report of their operations posted conspicuously in factory for the inspection of patrons.

Cheese. ("Whole milk" cheese must contain at least 48 per cent fat to total solids.)[1]

Imitation butter. Imitation butter is defined as any article not produced from pure milk or cream—salt, rennet, and coloring matter excepted—in semblance of butter and designed to be used as a substitute for it. Shall not be colored to resemble butter. All packages must be plainly branded "Oleomargarine," "Butterine," "Substitute for butter," or "Imitation butter." Each sale shall be accompanied by notice to the purchaser that the substance is imitation butter. (Imitation butter shall not be sold as "Creamery" or "Dairy.")[1]

The State's attorney is charged with enforcement of the law relating to "Substitutes for butter."

Imitation cheese. Imitation cheese must be distinctly marked with true and appropriate name of the article, and label bearing such name must be delivered with same when sold.

Miscellaneous. Care and food of dairy cows regulated.

Pure food. An article of food is diseased and adulterated when inferior substances have been mixed with it; when any valuable constituent has been abstracted; if it is an imitation of or sold as another article; if it is altered to conceal inferiority; if it contains any poisonous or injurious substance; if it is decomposed or from an unhealthy animal, etc. With certain common exceptions and labeled articles, all such are prohibited.

INDIANA.

Inspector of foods. The State health officer is designated State inspector of foods and drugs. The State board of health investigates adulterations of foods and establishes measures for enforcement of the law. Health officers throughout the State act as food inspectors.

Milk. (Milk standard, 3 per cent fat, 9 per cent solids not fat.)[2] *Adulterated milk.*—The sale of adulterated, diseased, etc., milk to anyone or its delivery to a factory is prohibited. (Use of any coloring matter or antiseptic is an adulteration; milk from a cow near time of parturition or diseased or improperly fed is considered adulterated.)[2]

Butter and cheese. (Butter and cheese shall be made exclusively from milk and cream, with or without salt or [enumerated] coloring matters, etc.)[2] The use of poisonous or deleterious substances in their manufacture is prohibited. *Butter.*—(Defined, shall contain at least 80 per cent fat and not over 15 per cent water or 6 per cent salt, and shall contain no foreign fat nor preservative, etc.)[2] *Cheese.*—(Cheese containing any antiseptic other than salt shall be considered adulterated unless labeled with name of antiseptic.)[2] *Skimmed cheese.*—(Cheese containing less than 10 per cent fat shall be plainly marked "Skim-milk cheese.")[2]

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[1] See footnote, page 45. [2] See footnote, p. 48.

Imitation butter. Butter other than that made from pure milk, when sold or used in hotels, etc., must be plainly labeled "Oleomargarine." (Margarine is defined; considered adulterated if it contains over 15 per cent water or 6 per cent salt or any glucose or preservative or other than certain colors.)[1]

Imitation cheese. (Cheese containing any other fats than milk fats shall be plainly marked "Filled cheese.")[1]

Miscellaneous. (No law.)

Pure food. An article of food is deemed adulterated when inferior substances have been mixed with it; when any valuable constituent has been abstracted; if it is in imitation of or sold as another article; if it is decomposed or from an unhealthy animal; if it is colored to conceal inferiority; if it contains any poisonous or injurious substances, etc. With certain common exceptions, which must be labeled, such articles are prohibited. (A food containing an antiseptic shall be considered adulterated unless plainly labeled with name of antiseptic used.)[1]

IOWA.

Dairy commissioner. The dairy commissioner is appointed by the governor, shall have practical knowledge of dairying; term of office, two years; salary, $1,500 per annum; shall give bond for $10,000. He may employ clerical help at $75 per month and an agent at $3 per day in each city of over 10,000 inhabitants to collect milk samples. (In addition to salary of the commissioner, an appropriation of $4,000 is made for the conduct of the office.)[2]

Milk. Milk standard, 12½ per cent solids, 3 per cent fat. Milk dealers in cities shall register with the dairy commissioner and receive permits from him. Tests of milk in factories, etc., must be accurate; certified test bottles are furnished by the commissioner. *Skimmed milk.*—Skimmed milk may be sold as such. *Cream.*—Standard, 15 per cent fat. *Adulterated milk.*—The sale of adulterated, unwholesome, and diseased milk, or delivery to a factory, is prohibited.

Butter. (No law.)

Cheese. *Skimmed-milk cheese.*—Skimmed-milk cheese shall be plainly marked.

Imitation butter and cheese. Imitation butter and cheese is defined as any article not produced from pure milk or cream—salt, rennet, and coloring matter excepted—in semblance of butter or cheese and designed to be sold as a substitute for either of them. Shall not be colored to resemble butter or cheese. Every package shall be plainly marked "Substitute for butter" or "Substitute for cheese," and each sale shall be accompanied by a verbal notice and by a printed statement that the article is an imitation, the statement giving also the address of the maker. The use of these imitations in hotels, bakeries, etc., must be made known by signs.

Miscellaneous. Persons engaged in dairying shall keep their premises in hygienic condition and shall report statistics, etc., to the dairy commissioner. Care of cows is regulated.

KANSAS.

Milk. *Adulterated milk.*—The sale of adulterated, skimmed, tainted, or diseased milk, or its delivery to any butter or cheese factory, is prohibited.

Butter. (No law.)

Cheese. (No law.)

Imitation butter. (No law.)

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[1] See footnote, page 48. [2] See footnote, page 49.

Imitation cheese. (No law.)

Miscellaneous. (No law.)

Pure food. Any article of food or drink is deemed adulterated if any injurious or inferior substance has been added to it, if any valuable constituent has been removed, if it is an imitation of or sold as another article, if it is diseased or tainted, if it is colored to conceal inferiority. With certain exceptions, which must be plainly labeled, such articles are prohibited.

KENTUCKY.

Milk. *Skimmed milk.*—Skimmed milk shall not be sold with intent to defraud. *Adulterated milk.*—Adulterated milk, or milk from a diseased animal or an animal fed on "brewers' slop," etc., shall not be sold or used in the manufacture of butter or cheese.

Butter. (No law.)

Cheese. (No law.)

Imitation butter. Oleomargarine, butterine, or kindred compound, made in such form and sold in such manner as will advise the customer of its real character, and free from color or other ingredient to cause it to look like butter, is permitted.

Imitation cheese. (No law.)

Miscellaneous. (No law.)

Pure food. An article of food or drink is deemed adulterated if any inferior or injurious article has been added to it, if it is an imitation of or sold as another article, if it is colored to conceal inferiority, if it is diseased or decomposed, etc.; such articles are prohibited. Inspections and analyses are made under the supervision of the Kentucky Experiment Station. Falsely branding products to be sold is prohibited.

LOUISIANA.

Milk. (No law.)

Butter and cheese. Wholesale packages of butter and cheese and packages from which these are sold at retail shall be stamped to show true quality.

Imitation butter. Such substances as oleomargarine, butterine, bogus butter, etc., shall be plainly labeled to indicate their composition. They shall not be sold as butter.

Imitation cheese. (No law.)

Miscellaneous. (No law.)

Pure food. An article of food or drink is deemed adulterated if any inferior or injurious substance has been added to it, etc. Such are prohibited. The State board of health is charged with the investigation of adulterations of foods; analyses may be published.

MAINE.

Milk. Milk standard, 12 per cent solids, 3 per cent fat. All glassware used for testing milk delivered at factories must be tested for accuracy under the direction of the director of the experiment station. Specific gravity of sulphuric acid used in testing milk or cream must be at least 1.82. Persons using the Babcock test for apportioning the value of milk or cream must hold a certificate from the superintendent of the dairy school of the State College of Agriculture. *Skimmed milk.*—Skimmed milk must not be sold as pure milk. *Adulterated milk.*—Sale of adulterated and diseased milk, and that from cows fed on distillery or brewery refuse, etc., is prohibited.

Milk inspectors shall be appointed in towns of more than 3,000 inhabitants, and may be appointed in smaller towns. They are required to keep a record of the names and addresses of all dealers.

Butter and cheese. Butter and cheese are defined as the products usually so called, and manufactured exclusively from milk or cream, with salt and rennet, and with or without coloring matter.

Imitation butter and cheese. Any article in imitation of yellow butter or cheese and not made exclusively of milk or cream is prohibited.

Miscellaneous. (No law.)

MARYLAND.

Milk. All persons supplying milk to cities and towns shall register their cattle with the live stock sanitary board.

The mayor and city of Baltimore shall make regulations for the sale and provide by ordinance for the inspection of milk and food products; shall provide for and fix compensation of inspectors and analysts.

Butter. (No law.)

Cheese. Cheese made from pure skimmed milk is permitted.

Imitation butter. The manufacture, sale, transfer, etc., of any article containing any fat or oil not produced wholly from pure milk or cream, and which is in imitation of pure yellow butter, is prohibited; but oleomargarine, free from color to cause it to look like yellow butter and made in such form and sold in such manner as will advise the purchaser and consumer of its real character, is permitted. Placards reading "Oleomargarine sold here" shall be displayed where it is sold; it shall not be sold as butter; it shall not be used in public eating places, hospitals, schools, etc., unless guests or inmates are orally informed and signs are displayed reading "Oleomargarine used and served here."

Imitation cheese. (No law.)

Miscellaneous. The live stock sanitary board shall have inspected, at least annually, all premises where cows are kept and enforce rules for sanitary conditions—proper construction of stables, cleanliness, care of cows, etc. At request of owners shall furnish certificates of health when the rules are complied with. Appropriation for expenses, $3,000 annually.

Pure food. Diseased, corrupted, or unwholesome milk or other foods shall not be sold. Mixing or coloring any article of food or drink with any ingredient for gain, unless same is handled under its true name and its package is plainly marked, etc., is prohibited.

State board of health is given special powers and assistance to detect and expose adulterations and corruptions of foods and to conduct prosecutions. Two thousand five hundred dollars are annually appropriated for making chemical and scientific examinations of suspected foods and drinks.

MASSACHUSETTS.

Dairy bureau. The governor shall appoint three members of the board of agriculture to constitute a dairy bureau; term of office, three years; compensation, $5 per day of actual service. Secretary of board[1] is executive officer of the bureau, and receives therefor $500 per annum in addition to salary from board. Governor may appoint an assistant to the secretary; salary, $1,200 per annum. Agents, assistants, experts, etc., may be employed when necessary. Expenditures limited to $7,000 a year.

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[1] See first footnote, page 53.

Milk. Milk standard from April to September, 12 per cent total solids—9 per cent solids not fat, 3 per cent fat; in other months, 13 per cent total solids—9.3 per cent solids not fat, 3.7 per cent fat. Milk dealers are registered and peddlers are licensed. *Skimmed milk.*—Skimmed milk includes that below the standard for pure milk. It must contain at least 9.3 per cent solids not fat and be plainly marked "Skimmed milk." *Condensed milk.*—Condensed milk must be labeled with name of manufacturer; if in hermetically sealed packages, brand and contents must be given. *Adulterated milk.*—The sale of adulterated, diseased, or below-standard milk, or its possession with intent to sell, is prohibited. Convictions for selling adulterated milk are advertised in the newspapers.

Milk inspectors are appointed by the mayor and aldermen of cities and selectmen of towns.

Butter and cheese. For the purpose of an early act, butter and cheese are defined as products usually known by these names and made exclusively from milk or cream, with salt or rennet, and with or without coloring matter.

Imitation butter. The sale, or possession with intent to sell, of an article made wholly or partly out of any fat or oil, etc., not from pure milk or cream and which is in imitation of yellow butter, is prohibited; but oleomargarine, free from color or other ingredient to cause it to look like butter, and made in such form and sold in such manner as will advise the consumer of its real character, is permitted. It shall not be sold as butter, nor shall words like "dairy," "creamery," etc., or the name of any breed of dairy cattle be used in connection with it. All packages exposed for sale must be plainly marked "Oleomargarine," and labels similarly marked must accompany retail sales. Stores where it is sold and wagons used for delivery must display signs, and hotels, etc., using it must notify guests. Persons selling oleomargarine must be registered and conveyers licensed. *Renovated butter.*—Renovated or process butter shall be plainly labeled "Renovated butter."

Milk inspectors are charged with the inspection of imitation butter.

Imitation cheese. All articles in imitation of or intended as substitutes for cheese, not made exclusively of milk or cream, etc., must be plainly marked "Imitation cheese." Labels similarly marked must accompany retail sales.

Milk inspectors are charged with the inspection of imitation cheese.

Miscellaneous. Feeding garbage to milch cows is prohibited.

MICHIGAN.

Dairy and food commissioner. The dairy and food commissioner is appointed by the governor; term of office, two years; salary, $1,200 per year; must give bond for $10,000; shall appoint a deputy commissioner at $1,000 and a chemist at not more than $1,200 per year, and may appoint two clerks at $60 per month each, six inspectors at $3 per day, and an assistant chemist at $1,000 per year. Authority extends to all food and drink products. Commissioner shall make detailed annual reports to the governor and issue popular monthly reports on foods, adulterations, etc. Annual appropriation, $18,000.

Milk. Milk standard, 12½ per cent total solids, 3 per cent fat, specific gravity, between 1.029 and 1.033. *Skimmed milk.*—The specific gravity of skimmed milk must be between 1.032 and 1.037. It may be sold for what it is from cans plainly labeled "Skimmed milk." *Adulterated milk.*—The sale of adulterated, diseased, preserved, etc., milk to any person, or its delivery to a factory, is prohibited. Milk from sick cows or those fed on distillery refuse, etc., is forbidden.

The police commissioners of Detroit shall appoint an officer to act as milk inspector in that city. He shall inspect dairies, milk shops, etc., in Wayne County.

Common councils or boards of trustees in cities and towns may appoint and fix the compensation of milk inspectors.

Butter and cheese. Butter and cheese shall not contain any poisonous or deleterious substance. Proprietors of butter and cheese factories purchasing milk from more than three persons shall register with the dairy and food commissioner. *Cheese.*—A registered brand, with a suitable device, and the words "Michigan full-cream cheese," for use on full-cream cheese and their packages, will be furnished for $1 to factories applying to the commissioner. False brands are prohibited.

Imitation butter. Oleomargarine is defined as any substance formerly known by this or similar name, or as certain extracts or mixtures of fats, oils, etc., made in imitation of or to be used as butter. Every package must be plainly labeled with true name, the address of the manufacturer, and the names of all ingredients. The use of dairy terms in connection with its sale is forbidden. Placards must be displayed where it is sold and in public eating places where it is served. Verbal information and printed notice must accompany each sale. *Process butter.*—Process butter must be plainly labeled.

Imitation cheese. Any article in semblance of pure cheese, containing melted butter or fats, or oils not produced from milk, is prohibited.

Miscellaneous. (No law.)

Pure food. An article of food is deemed adulterated when inferior substances have been mixed with it; when any valuable constituent has been abstracted; if it is in imitation of or sold as another article; if it is decomposed or from an unhealthy animal; if it is colored to conceal inferiority; if it contains any poisonous or injurious substances, etc. With certain common exceptions, such articles are prohibited.

MINNESOTA.

Dairy and food commissioner. The dairy and food commissioner is appointed by the governor. Term of office, two years; salary, $1,800 per annum. He may appoint an assistant commissioner at a salary of $1,500 per year, a chemist at $1,500 per year, a secretary at $1,200 per year, and an assistant chemist and necessary inspectors at $100 per month each. Biennial reports are made to the legislature. May issue bulletins. His authority extends to other foods. Fifteen thousand dollars is annually appropriated for his work.

Milk. Milk standard, 13 per cent solids, 3½ per cent fat. Persons receiving milk shipped by train or cars must empty the vessels before the milk is sour and immediately clean them. Milk-testing apparatus must be standard. *Cream.*—Cream standard, 20 per cent fat. *Skimmed milk.*—Skimmed milk may be used for making skim cheese. Cans containing skimmed milk for sale must be plainly marked "Skimmed milk." *Adulterated milk.*—Unclean, unhealthy, adulterated, etc., milk includes that drawn from cows near the time of parturition, or fed on distillery waste, etc. (ensilage excepted). Its sale or exchange or delivery to any factory, or its use for making cream or any food, is prohibited. The use of preservatives is prohibited.

Milk shippers and sellers shall make detailed reports to commissioner.

Milk dealers in towns of more than 1,000 inhabitants shall annually obtain from the commissioner, at the cost of $1, a license and give certain information regarding the conduct of their business.

Any city council may provide for the inspection of milk, dairies, and herds supplying milk for city use.

Butter and cheese. Use of preservatives is prohibited. Unless all the milk delivered is bought by a factory, none of it shall be used by the operators

for themselves without the consent of the owners. Factories shall keep a detailed account of their operations, open to the inspection of patrons. Factory proprietors shall make detailed reports to the commissioner. *Cheese.*—At least 45 per cent of the total solids of cheese must be fat. It shall not be falsely branded. A registered brand with a motto and the words "Minnesota State full-cream cheese," for use on full-cream cheese and their packages, is issued to factories upon application to the commissioner. *Skim cheese.*—Skim cheese is that below the standard for full-cream cheese. It is permitted if the packages are plainly marked "Skim cheese." A placard must be displayed where it is sold.

Imitation butter and cheese. The manufacture or sale of any substance in imitation of butter or cheese is prohibited.[1] Coloring oleomargarine to resemble butter is prohibited. Notice of use of oleomargarine in public eating places must be given. *Patent butter.*—Butter made by any process by which casein and other ingredients of milk are made to replace pure fat shall be plainly marked "Patent butter," and a printed card stating its ingredients shall be given to each purchaser. *Renovated butter.*—Every package of process, or renovated, butter shall be plainly labeled "Renovated butter."

Miscellaneous. Milch cows shall not be kept in a crowded or unhealthy condition nor fed unwholesome food or any that produces impure milk.

Pure food. The adulteration of food or the sale of adulterated food is a misdemeanor.

MISSISSIPPI.

Milk. (No law.)

Butter. (No law.)

Cheese. (No law.)

Imitation butter. Packages of oleomargarine or similarly manufactured butters shall be plainly labeled with the correct name of their contents, and the product shall be sold by that name. A privilege tax of $5 is imposed upon persons selling the articles named.

Imitation cheese. (No law.)

Miscellaneous. It is unlawful to milk the cow of another, or to confine her with intent to take her milk, without the consent of the owner.

MISSOURI.

State board of agriculture. The State board of agriculture is charged with the enforcement of the act relating to butter substitutes and cheese branding. (Appropriation, $5,000 for two years.)[2]

Milk. All cities and towns have power to license dairies, provide for inspection, etc.

Butter. (No law.)

Cheese. Cheese made from milk testing at least 3 per cent fat, or cream from the same, is deemed a full-cream cheese. *Skim cheese.*—Any cheese not made from pure milk testing at least 3 per cent fat, or cream from the same, shall be plainly branded "Skimmed-milk cheese" or "Not full-cream cheese," and its true name given.

Imitation butter. Imitation butter is defined as every article not produced wholly from pure milk or cream, made in semblance of and designed to be used as a substitute for pure butter; it shall not be sold as butter; shall not be colored to resemble butter unless it is to be sold outside the State; original packages shall be plainly stamped "Substitute for butter;" in hotels, etc., vessels in which it is served must be marked "Oleomargarine," or "Impure butter."

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[1] See footnote, p. 62.

[2] See footnote, page 66.

Imitation cheese. Any article not produced wholly from pure milk or cream and designed to take the place of cheese shall have its original packages stamped with its true name.

Miscellaneous. (No law.)

MONTANA.

Milk. (No law.)

Butter. (No law.)

Cheese. (No law.)

Imitation butter and cheese. Any article in semblance of butter or cheese, and not made wholly from milk or cream, must be plainly labeled "Oleomargarine" or "Imitation cheese," and a printed label bearing the same word or words must be delivered to the purchaser with retail sales. Places where these articles are sold or used must display signs, and information as to their character be given if requested. Dealers must pay a license of 10 cents a pound on each pound sold.

Miscellaneous. Cows shall not be kept in unsanitary places or fed food that produces unwholesome milk.

NEBRASKA.

Deputy food commissioner.[1] The governor of the State is food commissioner and appoints a deputy at a salary of $1,500. The latter holds office at pleasure of the governor and must be a person with knowledge of dairy products; he must give a bond for $3,000; may employ a clerk at $75 per month, and a chemist; reports annually to the governor; authority extends to vinegar and cider. Appropriation $5,000, but shall not exceed revenue from act.

Milk. Milk and cream standards may be established by the food commissioner. *Adulterated milk.*—The sale of adulterated, skimmed, diseased, or tainted milk, or its delivery to a factory, is prohibited.

Butter and cheese. No poisonous or deleterious matter shall be used in the manufacture of butter or cheese. Wholesale dealers in butter and cheese, creameries, cheese factories, and skimming stations are defined, and must pay for annual permits as follows: Wholesale dealers, $10; creameries, $10; cheese factories, $10; skimming stations, $1. *Ladle butter.*—Manufacturers of ladle butter are defined; must pay $15 for annual permits.

Use of cream by employees of a factory without permission of patrons is prohibited.

Imitation butter and cheese. Imitation butter or cheese is defined as any article made in semblance of and designed to be used as a substitute for pure butter or cheese, and not produced wholly from pure milk or cream; the use of salt, rennet, and harmless coloring matter are permitted. These articles, including any having melted butter added to them, shall not be colored to resemble butter or cheese; shall be plainly marked "Imitation butter" or "Imitation cheese;" verbal and printed information of the character of the articles and address of the maker shall be given at time of sale; signs shall be displayed in public eating places where used. Manufacturers and dealers, except retailers, shall report monthly, amounts sold, to whom, etc. Manufacturers and dealers in imitations are defined and must pay for annual permits as follows. Manufacturers of imitation butter or cheese, $100; wholesale dealers in imitation butter or cheese, $50—this not required from manufacturers who sell their own products only; retail dealers in imitation butter or cheese, $25.

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[1] See footnote, page 67.

Miscellaneous. (No law.)

Pure food. Any article of food or drink is deemed adulterated if any inferior or injurious substance has been mixed with it, if any valuable constituent has been removed, if it is in imitation of or sold as another article, if it is diseased, decomposed, infected, if it is colored to conceal inferiority, etc. With certain exceptions, which shall be labeled, such articles are prohibited.

NEVADA.

Milk. *Skimmed milk.*—Skimmed milk may be sold as such. *Adulterated milk.*—The sale or exchange of adulterated milk, or milk from cows which are improperly cared for, or fed "swill" or other decomposed matter, is a misdemeanor.

Milk inspectors are appointed and their compensation fixed by board of county commissioners. They shall inspect milk sold by venders and prosecute violations.

Butter. (No law.)

Cheese. (No law.)

Imitation butter. Any article in semblance of butter but not made exclusively of milk or cream, or containing melted butter, shall be in packages plainly marked "Oleomargarine."

Imitation cheese. (No law.)

Miscellaneous. Care of cows regulated.

NEW HAMPSHIRE.

Milk. Milk standard, 13 per cent solids. It shall be sold by wine measure, and the capacity of vessels shall be marked upon them. *Skimmed milk.*—Milk from which any cream has been removed can be sold only from vessels plainly marked "Skimmed milk." *Adulterated milk.*—The sale of adulterated, unwholesome, diseased, etc., milk, and that from cows fed on brewery refuse, etc., is prohibited.

The mayor and aldermen of cities and the selectmen of towns may appoint and fix the compensation of milk inspectors. In towns having inspectors all milk dealers must register and obtain, at the cost of 50 cents per year, a license which gives full details as to the conduct of their business. Names of persons convicted of selling adulterated milk are published.

Butter and cheese. "Butter" and "cheese" are understood to mean the products usually known by those names, and which are manufactured exclusively from milk or cream, with salt, and with or without coloring matter, and if cheese, with rennet.

Imitation butter and cheese. Any article not made wholly from unadulterated milk or cream which is in imitation of pure yellow butter or cheese is prohibited, unless in packages plainly marked "Adulterated butter," "Oleomargarine," or "Imitation cheese." A label printed with the words on the original package shall be delivered with each retail sale. Oleomargarine free from color or ingredient to cause it to look like butter, and made in such form and sold in such manner as will advise the consumer of its real character, is permitted. Notice of the use of substitutes for butter in hotels, etc., shall be given to patrons.

The State board of agriculture is in charge of the enforcement of the laws on this subject.

Miscellaneous. (No law.)

NEW JERSEY.

Dairy commissioner. Dairy commissioner is appointed by State board of health; term of office, three years; salary, $2,000 per annum. He may appoint and fix the compensation of such assistants, chemists, agents, clerks, and counsel as are necessary. Expenses are limited to $10,000 per year. Authority is extended to all foods and drugs.

Milk. Milk standard, 12 per cent solids. *Skimmed milk.*—Skimmed milk shall be sold only in or from cans plainly marked "Skimmed milk." In cities of the first class it is prohibited. *Adulterated milk.*—The sale of adulterated or unwholesome milk or its delivery to a cheese factory is prohibited. It is defined as any which has been adulterated by the addition of any substance, or any from cows poorly cared for or fed unwholesome foods, or that has been exposed to infection by diseased persons, etc.

It is unlawful for any person to use a milk can belonging to another and marked with the owner's name or initials without his consent. If they are so used and found, their contents may be emptied.

Butter and cheese. The terms natural butter and natural cheese are taken to mean the products usually so called, made exclusively from milk or cream, with salt and rennet and with or without coloring matter or sage. Each butter or cheese package must be branded with its weight and the name of the manufacturer.

Imitation butter and cheese. Any article made wholly or partly out of any fat, oil, etc., not from pure milk or cream, artificially colored in imitation of pure yellow butter, is prohibited; but oleomargarine and imitation cheese are permitted if free from artificial color and in original package, encircled by a wide black band bearing the name of the maker and having the name of the contents plainly branded on them with a hot iron. Retail sales shall be accompanied by a printed card on which the name of the substance and the address of the maker are plainly printed, and the customer shall be orally informed of the character of the article at the time of sale.

Miscellaneous. Cows shall be properly cared for and fed. Milch cows kept in towns shall be registered. State dairy commissioner shall be notified when any of them are supposed to be diseased.

A commission of five is appointed by the president of the State board of agriculture to investigate tuberculosis. Owners are paid half value of condemned animals.

Pure food. An article of food or drink is deemed to be adulterated if any inferior or injurious substance has been added to it, if any valuable constituent has been removed, if it is an imitation of or sold as another article, if it is diseased or decomposed, if it is colored to conceal inferiority, etc. With the exception of articles named by the board of health and ordinary articles of food, which shall be branded, such articles are prohibited.

NEW MEXICO.

City councils. City councils shall provide for the inspection of dairy products.

Milk. (No law.)

Butter. (No law.)

Cheese. (No law.)

Imitation butter. (No law.)

Imitation cheese. (No law.)

Miscellaneous. (No law.)

Pure food. Any article of food or drink shall not be knowingly sold if it is unhealthy, or if any valuable constituent has been removed from it, or if it contains ingredients not asked for, unless notice is given to the purchaser. The use of an injurious coloring matter or any diseased or decomposed substance in the manufacture of food is prohibited.

NEW YORK.

Commissioner of agriculture. Commissioner of agriculture is appointed by the governor; term of office, three years; salary, $4,000 per annum. He may appoint assistant commissioners, chemists, clerks, agents, and counsel necessary for the work of his office and fix their compensation; also may appoint five expert butter and cheese makers to inspect factories, give instruction, etc.

Milk. Milk standard, 12 per cent solids, 3 per cent fat. Pure milk is defined as sweet and unadulterated; pure cream is that taken from such milk. Milk shall not be kept in unclean vessels nor in unsanitary places. All cans, etc., containing milk to be sold in counties other than where produced, must be plainly branded with name of the county of production; vehicles from which it is sold must be similarly marked. Glass bottles are excepted from the provision, but they must bear the name of the vender. *Skimmed milk.*—Skim milk may be delivered to skim-cheese factories, and, except in New York and Kings counties, it may be sold as skimmed milk for use in the county where it is produced or an adjoining county. *Condensed milk.*—Condensed milk must be made from pure and wholesome milk, and its proportion of milk solids shall be in quantity the equivalent of 12 per cent of milk solids in crude milk, of which 25 per cent shall be fat. All packages of condensed milk shall be labeled with name of manufacturer, etc. *Adulterated milk.*—Adulterated milk is defined as any below the standard, or which has been altered, or any from cows poorly cared for or fed certain unwholesome foods. Its sale, exchange, delivery to a butter or cheese factory, or use for any food is prohibited. Pure skim milk is excepted as above. Preservatives and poisonous colors are prohibited.

Butter and cheese. Butter and cheese are defined as the products of the dairy usually known by those terms, manufactured exclusively from pure unadulterated milk or cream, with or without salt, rennet, coloring matter, or sage. False brands are prohibited. County trade-marks may be adopted by county dairymen's associations. Preservatives and poisonous colors are prohibited. *Cheese.*—A registered brand, with the words "New York State full cream cheese," for use on full milk cheese and their packages, will be furnished to factories applying to the commissioner of agriculture. *Skim cheese.*—Pure skim cheese may be made from clean, pure skim milk.

Unless factory operator buys all the milk delivered, he shall not use any of it or its products without consent of the owners, and he must keep an account of all factory operations for the inspection of his patrons.

Imitation butter and cheese. Imitations shall not be sold as butter or cheese. The terms oleomargarine, butterine, imitation butter, or imitation cheese mean any article in the semblance of butter or cheese not the usual product of the dairy and not made exclusively from unadulterated milk, or having any oil, lard, melted butter, etc., as a component part. *Imitation butter.*—The manufacture of oleomargarine or any article in imitation of butter wholly or partly from fats or oils not produced from milk, or the sale or the use in hotels, etc., of such articles, is prohibited. No article intended as an imitation of butter and containing oils, fats, etc., not from milk, or melted butter in any condition, shall be colored yellow. *Renovated butter.*—Butter produced by melting original

packing stock, etc., shall be plainly labeled "Renovated butter." *Imitation cheese.*—The manufacture or sale of any article in imitation of pure cheese, into which any animal fat, oil, or butter, etc., is introduced is prohibited.

Miscellaneous. Milch cows shall not be kept in an unsanitary condition nor be fed distillery waste, spoiled feeds, or any food that injures milk; silage is permitted.

NORTH CAROLINA.

Milk. (No law.)

Butter. Butter is defined as the product manufactured from fresh and pure milk and cream.

Cheese. (No law.)

Imitation butter. Oleomargarine and butterine are defined as articles manufactured in imitation of butter, and which are composed of any ingredient or ingredients in combination with butter. Original packages shall be labeled with names of chemical ingredients and their proportions.

District, county, and city attorneys shall prosecute offenders against oleomargarine law.

Imitation cheese. (No law.)

Miscellaneous. (No law.)

Pure food. An article of food or drink is deemed adulterated if any inferior or injurious substance has been added to it, if any valuable constituent has been removed, if it is an imitation of or sold as another article, if it is colored to conceal inferiority, if it is decomposed or unfit for food, if it is misbranded, etc. With the exception of mixtures, etc., known by distinctive names, labeled as mixtures, or containing matter unavoidably or necessarily added in preparation for commerce, such articles are prohibited. No conviction when defendant can prove written guaranty of purity from supplier.

The board of agriculture shall fix standards of foods, beverages, and condiments, and publish results of examinations made by the chemists of the department of agriculture. Upon evidence from the commissioner of agriculture, solicitors shall conduct prosecutions under pure-food law.

NORTH DAKOTA.

Assistant dairy and food commissioner. The commissioner of agriculture appoints a deputy known as the assistant dairy and food commissioner, who is familiar with the manufacture of dairy products; term, same as commissioner's; salary, $600 per year. One thousand dollars annually and the fines collected in prosecutions are appropriated for his work. Detailed reports are made biennially. He acts also as director of farmers' institutes.

Milk. Milk standard, 12 per cent solids, 3 per cent fat. Venders in cities or towns of more than 1,000 inhabitants must furnish certain information to the assistant commissioner and obtain license from him. *Cream.*—Cream shall contain at least 15 per cent fat. *Skimmed milk.*—Skimmed milk shall be sold for what it is. *Impure milk.*—The disposal or use in any human food of unhealthy, adulterated, etc., milk, or cream from same, is prohibited.

Butter and cheese. For the purpose of one act, butter and cheese are defined as the products usually known by those names and which are manufactured exclusively from milk or cream. Creameries shall brand each package of butter and cheese, showing quality of product, number of factory, etc. The brands are registered with the assistant commissioner. Managers of creameries and cheese factories shall make annual reports on blanks furnished for the purpose. *Skimmed-milk cheese.*—Cheese made from milk which has been skimmed shall be plainly marked, on itself and on the package, "Skimmed-milk cheese."

Imitation butter. Any article in imitation of pure yellow butter and not made from pure milk is prohibited; but oleomargarine, free from color to cause it to look like butter, and made in a distinct form and sold in such manner as will advise consumers of its real character, is permitted. Notice of its use in public eating places must be given to patrons. Imitations shall be distinctly marked and sales shall be accompanied by a printed card giving names of the ingredients. *Renovated and patent butters.*—Butter made from melted packing stock, etc., shall be plainly labeled "Renovated butter," and that made by any process by which casein of milk or other ingredients are made to take the place of pure butter fat shall be plainly marked "Patent butter."

Imitation cheese. Substitutes for pure cheese, including filled cheese, shall be plainly labeled so their character and quality will be shown. Sales shall be accompanied by a printed card giving names of ingredients.

Miscellaneous. Cows shall be well stabled and fed pure feed.

OHIO.

Dairy and food commissioner. State dairy and food commissioner is elected at the general elections; term of office, two years; salary, $2,000 per year. He shall give bond for $5,000. May appoint two assistant commissioners at salaries of $1,000 per year; also appoint and fix the compensation of experts, chemists, agents, etc., as are necessary. Detailed annual report shall be made to the governor. Authority extends to all foods and drugs. (Appropriation for 1900, $50,340.[1]

Milk. Milk standard, 12 per cent solids, 3 per cent fat; in May and June, 11½ per cent solids. *Skimmed milk.*—Skimmed milk shall not be sold as pure milk, but it may be used for making skimmed cheese; cans containing it shall be plainly marked "Skimmed milk." *Condensed milk.*—Condensed milk shall be made from pure fresh milk; the proportion of milk solids shall be equivalent to 12 per cent in crude milk, of which 25 per cent shall be fat; package containing same shall be plainly labeled with true name and brand, and name of manufacturer. *Adulterated milk.*—The sale of adulterated, skimmed, unclean, unhealthy, etc., milk, and that from sick cows, or its delivery to a factory, is prohibited.

Butter and cheese. Butter and cheese are defined as the products usually known by those names, and made wholly from pure milk or cream, with salt, and with or without harmless coloring matter, and, if cheese, with or without rennet and sage. False brands are prohibited. Keeping false account of milk delivered to a factory is prohibited. *Butter.*—Standard for butter, 80 per cent fat. *Cheese.*—Must contain at least 20 per cent fat. Registered brands with the words "Ohio State full cream cheese" are issued to factories for use on full milk cheese and their packages upon application to the dairy and food commissioner and payment of fee of $1. *Skimmed cheese.*—Cheese as above defined, and containing less than 20 per cent fat, shall be plainly marked, and have its package marked, "Skimmed cheese:" packages sold at retail shall be accompanied by a label similarly marked; exposed contents of a package shall be labeled as above with a placard, and a sign "Skimmed cheese sold here" shall be posted where it is sold; delivery wagons shall display similar signs; notice shall be given of its use in public eating places.

Imitation butter and cheese. With the exceptions noted below, any article in imitation of natural butter or cheese, and containing animal or vegetable oils not produced from milk, or acids, is prohibited. Any other substance not made wholly from pure milk or cream, salt, and harmless coloring

[1] See footnote, page 81.

matter, and appearing to be butter or cheese, may be sold only under its true name. Each roll or package shall be plainly marked with its name and the names of its ingredients, and the same shall be on a label delivered with each sale, in connection with which the use of such words as "butter," "dairy," etc., or false brands, are prohibited; information as to the substance shall be given at all retail sales; it shall not be packed so as to be concealed by a finer grade of butter; its use in State charitable and penal institutions is prohibited. Signs shall be used as described below. *Oleomargarine.*—Oleomargarine is defined as any substance not pure butter of not less than 80 per cent butter fat and made for use as butter. It is permitted if free from coloring matter or other ingredient to cause it to look like butter, and made in such form and sold in such manner as will advise the consumer of its real character. *Filled cheese.*—Any article in imitation of cheese and not made wholly of milk or cream, etc., and containing any fats, oils, etc., not produced from milk or cream, shall be plainly marked and have its package or the exposed contents of any package marked "Filled cheese;" each retail sale shall be accompanied by a label similarly marked; it shall not be sold as cheese. *Signs.*—The signs "Oleomargarine sold here" or "Filled cheese sold here" shall be displayed wherever these articles are sold, and signs and verbal information are required in public eating places where the articles are used; wagons delivering filled cheese shall display signs.

Miscellaneous. Milch cows shall not be kept in a cramped or unhealthy condition, nor fed unhealthy food, or food which produces unwholesome milk.

Pure food. Any article of food or drink is adulterated if any inferior or poisonous substance has been mixed with it; if any valuable ingredient has been removed; if it is an imitation of or sold under the name of another article; if it is decomposed, infected, or from a diseased animal; if it is colored to conceal inferiority, etc. Such articles are prohibited; but certain common mixtures are permitted if packages are labeled with names of ingredients, etc.

OKLAHOMA.

Milk. *Adulterated milk.*—Milk from a cow not in proper condition of health, or any milk adulterated by water or a deleterious substance, or colored, shall not be sold or delivered.

Butter. (No law.)

Cheese. (No law.)

Imitation butter. (No law.)

Imitation cheese. (No law.)

Miscellaneous. (No law.)

Pure food. The adulteration of food or drink with fraudulent intent is a misdemeanor. Buyer shall be informed if provisions are diseased or unwholesome. Board of health shall destroy any impure article of food offered for sale.

OREGON.

Dairy and food commissioner. After June, 1900, the dairy and food commissioner, who shall be well qualified in dairy matters, will be chosen by the electors of the State; term of office, four years; salary, $1,000 per year; shall enforce the law, inspect creameries, and give dairy instruction; may appoint and fix compensation of one deputy in each county; reports to the legislature. Chemist of State agricultural college shall make analyses.

Milk. Milk standard, not more than 88 per cent water, nor less than 3 per cent fat, nor less than 8 per cent solids other than fat, nor less than 1.038 specific gravity after cream has been removed. *Impure milk.*—Milk from cows fed un-

wholesome feeds or near time of parturition is deemed impure. *Cream.*—Standard, 20 per cent fat. *Condensed milk.*—Standard, "12 per cent of milk solids in pure milk, 25 per cent of which shall be pure fat."

Butter and cheese. Manufacturers of more than 25 pounds of butter or cheese per week shall make detailed annual reports to the commissioner. *Butter.*—Butter standard, not more than 14 per cent water. *Process butter.*—Reworked or mixed butter shall be marked "Process butter," and not "Creamery butter." *Tub butter.*—Tub or packed butter, remolded into prints, etc., shall be marked "Tub butter," and not "Creamery butter." The use of boxes or brands of one creamery or dairy for selling the butter of another is prohibited. *Cheese.*—Standard, 40 per cent fat as compared with total solids.

Imitation butter and cheese. Sales of oleomargarine and all imitations of dairy products shall be recorded and records shall be open to the commissioner.

Miscellaneous. Milch cows shall be allowed 800 cubic feet of air space each in stables; when facing each other shall not be closer than 6 feet, unless separated by air-tight partitions at least 4 feet high. Stables shall be well ventilated and kept in a healthful condition.

Pure food. An article of food or drink is deemed adulterated if any inferior substance has been mixed with it, if any valuable constituent has been removed, if it is in imitation of or sold as another article, if it is colored to conceal inferiority, etc. Salt and annotto, or butter color in which annotto is the principal ingredient, are not adulterants of dairy products. Such articles shall not be sold unless plainly marked to show their true character, nor served in public eating places unless notice of their use is given.

PENNSYLVANIA.

Dairy and food commissioner. The dairy and food commissioner, who shall have practical experience in the manufacture of dairy products, is appointed by the governor; term of office, four years; salary, $2,500 per year. He shall have a clerk, appointed by the governor; salary, $1,500 per year. Authority extends to other foods. Commissioner shall make a detailed annual report. Moneys paid into the treasury under the provisions of the 1899 oleomargarine law constitute a special fund for enforcement of that law.

Milk. Milk standard in cities of the second and third class, 12½ per cent solids, 3 per cent fat, specific gravity at 60° F. between 1.029 and 1.033. In towns of over 1,000 population, vehicles from which milk is vended shall be marked with names of vendors and locality of production; and in cities of the second class dairies and milk depots shall be registered by the bureau of health. *Skimmed milk.*—Skimmed-milk standard in cities of the second and third class, 6 per cent cream by volume, 2½ per cent fat by weight, specific gravity at 60°.F. between 1.032 and 1.037; milk from which any cream has been taken shall not be sold unless in a vessel plainly marked "Skimmed milk." *Adulterated milk.*—The sale of adulterated, impure, or unwholesome milk is a misdemeanor. The addition of water or ice to milk is an adulteration, and milk from animals fed on distillery waste or any substance in a state of putrefaction, or from sick or diseased cows, is declared to be impure and unwholesome. The sale of milk for human consumption which contains boracic acid salt, salicylic acid, or other drug is prohibited.

Councils of cities and boroughs may provide for milk inspection.

Butter. (No law.)

Cheese. All cheese is divided into five grades, and each cheese and its package shall be plainly branded with the address of the maker and the words

"Full cream" if it contains not less than 32 per cent of butter fat: "Three-fourths cream" if it contains not less than 24 per cent butter fat: "One-half cream" if it contains not less than 16 per cent butter fat: "One-fourth cream" if it contains not less than 8 per cent butter fat; and "Skimmed cheese" if it contains less than 8 per cent butter fat. Fancy cheese weighing less than five pounds, and pot cheese, are excepted.

Imitation butter. The manufacture or sale of any article not made from pure milk or cream and in imitation of pure yellow butter is prohibited; but oleomargarine, butterine, or similar substance is permitted if free from color or other ingredient to make it look like butter, and made in such form and sold in such manner as will advise the consumer of its real character, and if the manufacturer or dealer shall have a license. Every package or parcel shall be plainly labeled "Oleomargarine" or "Butterine," and signs obtained from the dairy commissioner shall be displayed where it is made or sold. Wagons of peddlers shall be plainly marked. License fees are as follows per year: Manufacturers, $1,000; wholesalers, $500; retailers, $100; restaurant keeper or hotel proprietor, $50, and boarding house keeper, $10; the different classes are defined. Imitation butter shall not be used in any State charitable or penal institution. *Renovated butter.*—Butter made from melted packing stock, etc., as "boiled" or "process" butter shall be plainly labeled "Renovated butter" before sold or offered for sale, whether in small or large packages.

Imitation cheese. Cheese not produced wholly from pure milk or cream is prohibited.

Miscellaneous. (No law.)

Pure food. An article of food or drink is deemed adulterated if any inferior or injurious substance has been mixed with it; if any valuable constituent has been removed; if it is in imitation of or sold as another article; if it is diseased, decomposed, infected; if it is colored to conceal inferiority, etc. With certain exceptions, which shall be labeled, such articles are prohibited.

RHODE ISLAND.

Milk. Milk standard, 12 per cent solids, 2½ per cent fat; shall be sold by wine measure; vessels to be sealed by the sealer of weights and measures. *Skimmed milk.*—Skimmed milk is that which has been skimmed, or is below the standard. It shall be sold only from cans plainly marked "Skimmed milk." *Adulterated milk.*—The sale or exchange of adulterated or diseased milk or that from diseased cattle or cows fed on distillery refuse, etc., is prohibited.

The mayor and aldermen of any city and the council of any town may elect and fix the compensation of milk inspectors. In Providence this is compulsory. Inspectors may appoint collectors of samples. All persons engaged in selling milk must register with the inspector and have their names on their wagons, etc. Names of persons convicted are published.

Butter. All butter tubs shall be marked with their weights and maker's initials.

Cheese. (No law.)

Imitation butter. Any article not made wholly from milk or cream, but containing any melted butter to take the place of cream, or animal oil or fat not the product of milk, shall be plainly marked "Oleomargarine," and a label similarly printed shall be delivered with all retail sales.

Imitation cheese. (No law.)

Miscellaneous. (No law.)

Pure food. The authority of milk inspectors extends to other foods.

SOUTH CAROLINA.

Milk. Milk standard, 3 per cent fat, 8½ per cent other solids. *Skimmed milk.*—Skimmed milk is that below the standard. It and buttermilk may be sold under their own name. *Adulterated milk.*—The sale of unclean, diseased, adulterated, etc., milk, or its delivery for domestic use, or to be converted into any human food, is prohibited.

Butter. (No law.)

Cheese. (No law.)

Imitation butter and cheese. Imitation butter and cheese are defined as every article not produced from pure milk or cream, with or without salt, rennet, and harmless coloring matter, which is in semblance of and designed to be used as a substitute for butter or cheese. They shall not be colored to resemble butter or cheese. Original packages shall be marked "Substitute for butter," or "Substitute for cheese:" shall not be sold as genuine butter or cheese, nor used in hotels, etc., unless signs are displayed.

Statement of the chemist of the State college shall be accepted as evidence of analysis of imitation butter and cheese.

Miscellaneous. (No law.)

SOUTH DAKOTA.

Milk. *Adulterated milk.*—The sale of unwholesome, diseased, or adulterated milk as the pure article is prohibited.

Butter and cheese. Butter and cheese are defined as the products usually known by those names, and which are made wholly from milk or cream or both, with salt and rennet, and with or without coloring matter.

Imitation butter. Any article not made wholly from pure milk or cream, and in imitation of pure butter, is prohibited; but oleomargarine, colored pink, and made in such form and sold in such manner as will advise the consumer of its real character, is permitted; notice of its use in public eating places must be given.

Health officers, sheriffs, etc., shall institute complaints, etc.

Imitation cheese. (No law.)

Miscellaneous. (No law.)

Pure food. Any article of food is deemed adulterated if any inferior or injurious substance has been added to it, if any valuable ingredient has been removed, if it is an imitation of or sold as another article, if it is colored to conceal inferiority, etc.; such an article shall not be offered for sale unless labeled "adulterated" and with its own common name and name of the manufacturer. No unwholesome food shall be sold without making its character known to the buyer.

TENNESSEE.

Milk. (No law.)

Butter. (No law.)

Cheese. (No law.)

Imitation butter. Any article which is in imitation of yellow butter and not made exclusively from pure milk or cream is prohibited; but oleomargarine, free from color or other ingredient to cause it to look like butter, and made in such form and sold in such manner as will advise the consumer of its true character, and other imitations if uncolored and labeled with their correct names, are permitted; wholesale packages shall be plainly labeled, and a label shall accompany retail sales.

Imitation cheese. Imitation cheese may be manufactured under its true name; each package and its contents shall be stamped with the correct name, and a label, similarly printed, shall be delivered with retail sales.

Miscellaneous. (No law.)

Pure food. Any article of food or drink is adulterated if inferior substances have been added to it; if any valuable constituent has been abstracted; if it is an imitation of or sold as another article; if it contains any poisonous substance; if it is decomposed or diseased or from an unhealthy animal, etc. With certain common exceptions, such articles and all misbranded articles are prohibited.

TEXAS.

Milk. (No law.)

Butter. (No law.)

Cheese. (No law.)

Imitation butter. (No law.)

Imitation cheese. (No law.)

Miscellaneous. Corporations may be formed for the purpose of establishing and carrying on the work of dairies and creamery companies.

UTAH.

Dairy and food commissioner. The dairy and food commissioner is appointed by the governor: term of office, two years; salary, $600; expenses limited to $300: authority extends to all foods and drinks; biennial reports are made to the governor. County attorneys shall give legal assistance.

Milk. *Skimmed milk.*—Skimmed milk includes all from which any cream has been removed. It shall contain not less than 9 per cent of solids not fat, and may be sold only from vessels plainly marked "Skimmed milk." *Adulterated milk.*—Milk which has been diluted or that taken from a cow in an unnatural condition, etc., shall not be sold or delivered. Preservatives shall not be used. Standard tests and lactometers may be used to determine adulteration.

Butter. Preservatives shall not be used.

Cheese. *Skim cheese.*—Cheese made from milk from which some fat has been removed shall be in size between 9 and 11 inches in diameter and not less than 9 inches high. Preservatives shall not be used.

Imitation butter. Any article not made wholly from unadulterated milk or cream, which is an imitation of pure yellow butter, is prohibited. But oleomargarine, free from color or other ingredient to cause it to look like butter, and made in such form and sold in such manner as will advise the consumer of its real character, and free from misleading marks, is permitted. It shall not be sold as butter. It shall be plainly marked "Oleomargarine" when exposed for sale, signs must be displayed where it is sold, and in public eating places guests must be notified of its use. Butter not made from pure milk shall not be used in State charitable or penal institutions.

Imitation cheese. Cheese made from skimmed milk to which foreign fats have been added is prohibited. Cheese not made from pure milk shall not be used in State charitable or penal institutions.

Miscellaneous. (No law.)

VERMONT.

Milk. Milk standards, 12¼ per cent solids, 9¼ per cent solids not fat; in May and June, 12 per cent total solids. Standard measure is wine measure. Payment for milk at factories is to be based on milk testing 4 per cent fat. *Adulterated milk.*—The sale of adulterated or skim milk or milk below the standard, or

its delivery to a factory, or the delivery of tainted milk to a factory, is prohibited. Result of analysis by the State Agricultural Experiment Station shall be deemed competent evidence in prosecutions.

Glassware used for testing milk to determine amount to be paid for it shall be examined for correctness and marked under the direction of the State Agricultural College; any person making such a test shall hold a certificate from the college.

Butter and cheese. Butter or cheese shall not be marked "Creamery," unless made in a creamery; marking "Private creamery" is permitted if name of maker is given.

Operators of factories shall not use any cream except with consent of owners.

Detailed monthly statements shall be given to patrons of creameries and cheese factories showing amount of milk delivered, test, and butter or cheese made therefrom, and payments shall be based on amounts of these products. Milk sold at creameries shall be tested to determine amount of butter thus disposed of. Monthly statements of milk received and butter produced shall be posted in creameries.

Imitation butter.[1] Any article made in imitation of or as a substitute for butter, and not made wholly of milk or cream, may be sold when plainly labeled "imitation butter," "oleomargine," or "butterine," as the case may be. Wrappers for retail packages shall be similarly marked. The word "dairy" or "creamery" or the name of any breed of dairy cattle on labels is prohibited.

The State's attorney is given special power for enforcing.

Imitation cheese.[1] Any article made in imitation of or as a substitute for cheese may be sold when plainly labelled "imitation cheese." Wrappers for retail packages shall be similarly marked.

The State's attorney is given special power for enforcing.

Miscellaneous. (No law.)

Pure food. A laboratory is conducted by the State board of health for the examination of water, milk, and foods, and the study of diseases.

VIRGINIA.

Milk. *Adulterated milk.*—The sale of adulterated, skimmed, tainted, etc., milk, or its delivery to any creamery or cheese factory, is prohibited.

Butter. Butter inspectors shall brand lots of butter offered for inspection according to quality.

Factory employees shall not use cream without consent of its owners.

Cheese. *Skimmed cheese.*—Skimmed cheese may be made from pure skimmed milk. Factory employees shall not use cream without consent of its owners.

Imitation butter. The manufacture or sale of any article made wholly or partly from any fat or oil not produced from unadulterated milk or cream, and which is in imitation of pure yellow butter, is prohibited; but oleomargarine, butterine, or kindred compound, made in such form and sold in such manner as will advise the consumer of its real character, and free from color or other ingredient to cause it to look like butter, is permitted. Signs, with the words "Imitation butter used here," shall be displayed in eating places, bakeries, etc., where the articles above named are used.

Imitation cheese. The manufacture or sale or use in public eating places of any article in imitation of and designed to take the place of pure cheese, and not made wholly from milk or cream, is prohibited.

Miscellaneous. (No law.)

Pure food. The board of agriculture may establish standards for foods and, assisted by experts of the department of agriculture, examine foods to protect

[1] See footnote, page 95.

against adulteration and misbranding; may prescribe how compounds shall be branded; may publish results of examinations; commonwealth's attorneys assist in prosecutions. An article of food is deemed adulterated if any inferior or injurious substance has been added to it or any valuable constituent has been removed from it so it will deceive the purchaser, if it is an imitation of or sold as another article, if it is colored to conceal inferiority, if it is labeled to mislead the purchaser, if it is diseased or decomposed, etc. With the exception of certain well-known or labeled articles, etc., no person shall knowingly manufacture or sell such articles of food.

WASHINGTON.

Dairy and food commissioner. Dairy and food commissioner is appointed by the governor; term of office, four years; salary, $1,500; must give bond for $5,000. He may appoint six deputies at $3 per day, but no one is to be employed at the cost of the State more than 30 days in a year; the services of chemists of State institutions are available; attorney-general and county prosecuting attorneys shall assist, but special counsel may be employed. Appropriation, $3,000 per year in the interest of dairying and $1,000 in the interest of pure food. A "State board of dairy and food commission" is constituted of the secretary of state, professor of agriculture at the agricultural college, and dairy commissioner; members receive no salary, but are allowed traveling expenses; they report to the governor biennially.

Milk. Milk standard, 3 per cent fat, 8 per cent solids not fat. *Cream.*—Cream shall contain at least 18 per cent fat. *Skimmed milk.*—Skimmed milk shall be sold only from cans plainly marked. *Adulterated milk.*—Adulterated, skimmed, diseased, impure, etc., milk is defined as any below the standard; or which has been altered in any way; or is from cows diseased, near the time of parturition, or poorly cared for, or fed unwholesome foods; or has been exposed to infection by disease germs; or has borax or salycylic acid added to it to prevent souring, etc. It shall not be sold nor delivered as pure milk.

Persons selling milk from stores or wagons shall annually procure license from commissioner—fee, $1 for each store or wagon.

Owners of dairies and milk venders shall annually report amount of business done on blanks furnished by the commissioner.

Cans used by milk purchasers shall have their capacity marked upon them.

Butter. Commissioner issues to manufacturers of creamery butter, and makes regulations for the use of, brands with suitable device and words "Washington Creamery Butter" and registered numbers of the factories, and these shall be used on wrapper and outside of every package, but not on any other than Washington creamery butter. Owners of creameries shall report annually on blanks furnished by the commissioner.

Cheese. Commissioner issues to cheese manufacturers, and makes regulations for the use of, stencils with words "Washington State Full Cream Cheese," and registered numbers of factories, and these shall be used only on full cream cheese (and packages for same) containing 30 per cent fat and made wholly from pure milk. *Skimmed cheese.*—Cheese containing from 15 to 30 per cent of butter fat shall be plainly marked "Skimmed cheese." The manufacture of cheese containing less than 15 per cent butter fat is prohibited. *Fancy cheese.*—Edam, Pineapple, Swiss, and other fancy cheese are not included in the above regulations. Owners of cheese factories shall report annually on blanks furnished by the commissioner.

Imitation butter. No article which is in imitation of pure yellow butter and is not made wholly from pure milk or cream, with or without harmless coloring matter, shall be manufactured, sold, or used in any public eating house,

or eleemosynary, or penal institution, etc.; but oleomargarine, free from color or other ingredient to make it look like butter, and made in such form and sold in such manner as will advise the consumer of its real character, is permitted and may be used in public eating places when signs are displayed. *Renovated butter.*—Process butter shall be plainly marked "Renovated butter."

Imitation cheese. Any cheese not made wholly from pure milk or cream or skimmed milk, with salt, rennet, and harmless coloring matter, is prohibited.

Miscellaneous. (No law.)

Pure food. Any article of food or drink is deemed to be adulterated if any inferior or injurious substance has been added to it, if any valuable constituent has been removed, if it is an imitation of or sold as another article, if it is diseased or decomposed or (if milk) the product of a diseased animal, if it is colored to conceal inferiority, etc. With the exception of mixtures or compounds recognized as ordinary foods or parts of foods which shall be labeled with the names of their ingredients, and are not injurious to health, such articles are prohibited.

WEST VIRGINIA.

Milk. *Skimmed milk.*—Skimmed milk may be used in the manufacture of cheese.

Butter and cheese. Salt, rennet, and harmless coloring matter are permitted in the manufacture of butter and cheese.

Imitation butter and cheese. Any substance in semblance of butter or cheese, and not made wholly from pure milk or cream, and packages containing such substances, shall be plainly marked; printed statements explaining the character of the substance must be given to consumers. *Oleomargarine.*—Oleomargarine and artificial and adulterated butter shall be colored pink.

Miscellaneous. (No law.)

Pure food. The adulteration of any article of food or drink is a misdemeanor.

WISCONSIN.

Dairy and food commissioner. Dairy and food commissioner is appointed by the governor; term of office, two years; salary, $2,500 per annum. He may appoint as assistant commissioner an expert on dairy products at a salary of $1,600, a chemist at $1,800, and a clerk at $900 per annum; also an inspecting agent at $3 per day. Authority extends to all foods, drinks, and drugs. County district attorneys shall assist in prosecutions and special counsel may be employed. Laboratory for analytical work is provided. Commissioner shall make biennial reports; governor may authorize him to assist at farmers' institutes, etc.

Milk. Milk standard, 3 per cent fat and pure. Milk for city trade must be produced from cows fed wholesome food and kept in clean stables; it must be handled in clean utensils. *Adulterated milk.*—The sale or delivery of milk or cream that contains any foreign substance as color or preservative (viscogen may be used if milk is labeled), or the product of cows that are diseased or improperly cared for or fed slops, is prohibited, and the sale or delivery of adulterated or unwholesome milk, or milk from cows near the time of parturition, as the pure article, is prohibited. Standard tests may be made for proving adulteration.

Butter. Use of boracic and salycylic acids and injurious antiseptics in the manufacture of butter are prohibited.

An account of daily operations must be kept in creameries. Milk or cream must not be used at factories for benefit of any person to whom it does not belong.

Cheese. Unlawful to use false brands on cheese. Stencil bearing suitable device and words "Wisconsin full cream cheese" and registered number of factory is issued by commissioner to any factory applying for use on bandages and packages of full cream cheese under regulations prescribed by the commissioner. *Skimmed cheese.*—Skimmed cheese must be 10 inches in diameter and 9 inches high.

Account of daily operations must be kept in cheese factories. Milk or cream shall not be used at factories for benefit of any person to whom it does not belong.

Imitation butter. Any article made partly or wholly out of any fat or oil, etc., not from pure milk or cream, and in imitation of yellow butter, is prohibited; but oleomargarine, free from color or other ingredient to make it look like butter, and made in such form and sold in such manner as will advise the consumer of its real character, is permitted. It shall not be sold as butter. All packages exposed for sale must be plainly marked "Oleomargarine;" signs must be displayed in selling places and on wagons. Hotels, etc., using it must notify guests. Use not permitted in charitable or penal institutions. *Renovated butter.*—Every package or parcel of butter which has been melted, renovated, and prepared in imitation of creamery butter shall be plainly marked "Renovated butter."

Imitation cheese. Manufacture or sale or use in charitable or penal institutions of cheese made from skimmed milk to which fat foreign to milk has been added is prohibited.

Miscellaneous. (No law.)

Pure food. Any article of food or drink shall be deemed adulterated if any injurious or inferior substance has been added to it; if any valuable ingredient has been removed; if it is an imitation of or sold as another article: if it is diseased, infected, decomposed; if it is colored to conceal inferiority, etc. With the exception of certain ordinary foods, which shall be plainly labeled, such articles are prohibited.

WYOMING.

Milk. Milk is exempted from the list of articles that can not be sold on Sundays.

Butter. (No law.)

Cheese. (No law.)

Imitation butter. (No law.)

Imitation cheese. (No law.)

Miscellaneous. (No law.)

Pure food. The adulteration of any article of food or drink with fraudulent intent or sale of same or knowingly selling any unwholesome article of food or drink is a misdemeanor.

CANADA.

Milk. *Deteriorated milk.*—Deteriorated milk, meaning that which is adulterated or partly skimmed, or milk which is tainted or from a diseased cow, shall not be sold to a cheese, butter, or condensed milk factory. Competent person may use lactometer or cream gauge or other proper test for inferior milk.

Butter and cheese. Every package of butter and cheese, and cheese itself, for export, shall be plainly marked "Canadian," "Canadien," or "Canada," and the mutilation of these marks, or their use on articles not made in Canada, is prohibited. No package containing butter or cheese shall be marked with the name of any month except the month in which the product was made. Butter or cheese made in a foreign country before being offered for sale must be branded with the name of the country where produced. *Skim cheese.*—All cheese made

from skimmed milk shall be marked "Skim-milk cheese," and packages containing same shall be similarly marked. It is unlawful to remove or deface these marks.

Any person engaged in the manufacture of butter or cheese may register with the minister of agriculture, upon giving certain information, and have a number for exclusive use on his products allotted to his factory or creamery.

Imitation butter. The manufacture of oleomargarine, or other substitute for butter, from any animal substance except milk, or the sale of same, is prohibited.

Imitation cheese. Cheese made from skimmed milk to which foreign fat has been added is prohibited.

Miscellaneous. The governor in council may make such regulations as he considers necessary to enforce the law regarding dairy products.

FULL TEXTS OF DAIRY LAWS.

The dairy laws which were printed in 1898 in the Fourteenth Annual Report of the Bureau of Animal Industry and are now in force, are referred to below by title. Laws enacted since the report named was issued, and a few which were inadvertently omitted from that report, are given in full.

UNITED STATES.

See Fourteenth Annual Report of the Bureau of Animal Industry, pages 556–563, for—

Forty-ninth Congress, Session I, 1886, chapter 840[1] (sections 1–21).—An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine. (Approved August 2, 1886.)

Fifty-first Congress, Session I, 1890, chapter 1244, sections 41 and 53.—An act to reduce the revenue and equalize duties on imports, and for other purposes. (Approved October 1, 1890.)

Fifty-fourth Congress, Session I, 1896, chapter 337 (sections 1–19).—An act defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of "filled cheese." (Approved June 6, 1896.)

Fifty-fifth Congress, Session I, chapter 11, schedule G, 236–239.—An act to provide revenue for the Government and to encourage the industries of the United States. (Approved July 24, 1897.)

ALABAMA.

See Fourteenth Annual Report of the Bureau of Animal Industry, page 563, for—

Acts of 1894–95, No. 408 (sections 1 and 2).—An act to prevent deception in the manufacture and sale of imitation butter. (Approved February 18, 1895.)

ARIZONA.

(No dairy laws.)

ARKANSAS.

See Fourteenth Annual Report of the Bureau of Animal Industry, page 564, for—

Acts and resolutions of 1885, act 127 (sections 1–6).—An act to prevent deception in the sale and use of butter. (Approved April 2, 1885.)

[1] A bill providing for reducing the tax on uncolored oleomargarine and increasing the tax on the article when colored to resemble butter, was before the last Congress and will be given early consideration in the next.

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CALIFORNIA.

See Fourteenth Annual Report of the Bureau of Animal Industry, pages 564–568, for—

Statutes of 1893, chapter 137[1] (section 1).—An act entitled an act to prevent the sale of short-weight rolls of butter. (Approved March 11, 1893.)

Statutes of 1897, chapter 76 (sections 1–7).—An act defining the different grades of cheese and for branding the same manufactured in the State of California. (Approved March 4, 1897.)

Statutes of 1897, chapter 75 (sections 1–19).—An act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor. (Approved March 4, 1897.)

Recently enacted:

STATUTES OF 1899, CHAPTER 25.

AN ACT to prevent deception in the sale of process or renovated butter. (Became a law, under constitutional provision, without governor's approval, February 23, 1899.)

Process or renovated butter to be labeled.

SECTION 1. No person or persons, firms or corporation, shall sell, or offer for sale, or have in his or their possession for sale, any butter manufactured by boiling, melting, deodorizing, or renovating, which is the product of stale, rancid, or decomposed butter, or by any other process whereby stale, rancid, or decomposed butter is manufactured to resemble or appear like creamery or dairy butter, unless the same is plainly stenciled or branded upon each and every package, barrel, firkin, tub, pail, square, or roll, in letters not less than one half inch in length, "process butter," or "renovated butter," in such a manner as the purchaser will be advised of the real character of such "process" or "renovated" butter.

SEC. 2. Whoever shall violate any of the provisions or sections of this act shall be deemed guilty of a misdemeanor.

District attorney to prosecute.

SEC. 3. It shall be the duty of the district attorney of each and every county of this State, upon application, to attend to the prosecution in the name of the State of any action brought for the violation of any of the provisions of this act within his district.

State dairy bureau to enforce.

SEC. 4. The State dairy bureau, by its agent and assistant agents, is hereby authorized and directed to enforce all of the provisions of this act. All fines and penalties for the violation of this act shall be paid to the agent or assistant agents of the State dairy bureau, and by said bureau paid to the State treasurer.

Repealing clause.

SEC. 5. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

In effect.

SEC. 6. This act shall take effect on and after its passage.

STATUTES OF 1899, CHAPTER 136.[2]

AN ACT to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock; to prevent the sale of milk, and the products of milk drawn from diseased animals; to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor. (Approved March 22, 1899.)

Sale of impure or diseased milk forbidden.

SECTION 1. No person or persons, firms or corporation, shall sell or offer for sale, or have in his or their possession for sale, any impure or unwholesome milk, or any article of food manufactured therefrom, or of any cream from the same, or milk drawn from cows, either fifteen days before or five days following parturition, or from cows fed on unwholesome food, or from cows affected with any disease of live stock, contagious, infectious, or otherwise capable of producing such pathological changes as will cause the products from said animals to become unwholesome for food.

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[1] This act is said to be obsolete and violations of it disregarded.

[2] The principal difficulty in the way of the enforcement of this law is that a formal complaint must be made before the bureau has authority to act, according to opinion of attorney-general.

Dairy bureau to make inspections. SEC. 2. It shall be the duty of the State dairy bureau, by its general agent and assistant agents, from time to time, as may be required, upon complaint made to it of the existence of any disease among dairy stock, or of unsanitary conditions, as mentioned and referred to in this act, to inspect all the dairies and creameries in the state so complained of, and to carefully investigate the sanitary conditions of the same. Said bureau, by its agents and assistant agents, shall at the same time inspect all cattle, horses, and hogs, belonging, in use by, or appurtenant to such dairies and creameries, for infectious and contagious diseases, such as are enumerated in section one of this act; and after such inspection, if said agent or assistant agent believes, or has reason to believe, that any contagious or infectious disease exists among the stock inspected, he shall immediately notify the State veterinarian of the same, setting forth the facts of the case, and he shall forthwith act upon such report.

Cattle, horses, and hogs to be inspected.

Appointment of assistant agents. SEC. 3. The State dairy bureau shall, and they are hereby directed to appoint, from time to time, as many assistant agents, not exceeding twenty, as in their judgment may be required to carry out the provisions of this act, and to fix their compensation, not to exceed four dollars per day while actually employed, exclusive of their actual and necessary expenses. Whenever competent assistant agents can be found in counties or districts where such inspection is to be made, the State dairy bureau, by its general agent, shall appoint an assistant agent as inspector, who is not an owner of nor interested in any dairy, subject to the approval of the bureau, and such appointment shall be entered on the minutes of the bureau; *provided*, that such assistant agent shall have had practical experience in the manufacture of dairy products and the care and handling of stock.

Monthly reports from employees. SEC. 4. All persons employed by the bureau to carry out the provisions of this act shall render, under oath, to the State dairy bureau, on or before the fifth day of each and every month, an itemized statement of the number of days they were actually employed during the preceding month; also, an itemized statement of their actual expenses, with receipted vouchers attached thereto, for all sums exceeding one dollar, excepting railroad fares.

Diseased animals to be slaughtered. SEC. 5. Whenever in the judgment of the State veterinarian it shall for the purposes of this act be necessary to slaughter any animal or animals reported to him by said agent or assistant agent, he shall certify his reasons therefor to the agent ordering such inspection. The agent or assistant agent shall notify the owner or owners, or the person or persons in charge of the animal or animals, of the decision of said State veterinary surgeon, and shall order the animal or animals specified in the veterinary surgeon's certificate to be slaughtered immediately. Any animal or animals so slaughtered shall not be sold or removed, but shall be destroyed at the expense of the owner or owners, or the person or persons in charge of such animal or animals, under the direction and supervision of the agent or assistant agent ordering the animal or animals slaughtered, as may be specified by the State veterinarian.

Agents to indicate necessary improvements. SEC. 6. Whenever the agent or assistant agents of the bureau inspects any dairy, creamery, or any other place where milk is produced, or where products are manufactured from the same, including barns, corrals, hog yards, and places used for stock purposes, and utensils used in dairies and creameries, and finds the same not in good sanitary condition, he shall direct in writing such changes to be made as will put the same in good sanitary condition. Such written directions shall be served on the owner or owners, or upon the person or persons having charge of the premises, giving the parties so notified thirty days to make such changes as directed. If such changes are not made within thirty days, the person or persons refusing or neglecting to make such changes as directed shall be deemed guilty of a misdemeanor, and upon conviction shall be punished as hereinafter prescribed.

Suppression of contagious diseases. SEC. 7. Whenever any infectious or contagious disease affecting dairy stock shall be brought into or break out in this State, the State dairy bureau, by its agent and assistant agents, shall take prompt measures to suppress the same, and to prevent such disease from spreading, and for that purpose shall immediately notify the State veterinarian, and he shall forthwith inspect the matters so reported and act thereon.

Authority to inspect stock. SEC. 8. The agent or assistant agents shall also have the power to require each and every person, firm or corpora-

tion, having any stock in his or their possession, or under his or their control, to drive the same into corrals or small inclosures, for the purpose of inspection. Said agent shall give at least twenty-four hours' notice to the parties, of the time he requires such stock to be corralled; *provided*, that where it is impracticable to corral stock on large stock ranges, the owner or the person or persons having control of the same shall go with the agent or send some person to point out the stock to be inspected.

District attorney to prosecute. SEC. 9. It shall be the duty of the district attorney of each and every county of this State, upon application of the agent or assistant agents of the State dairy bureau, to attend to the prosecution, in the name of the State, of any action brought for the violation of any of the provisions of this act, within his district.

Violation a misdemeanor. SEC. 10. Any person or persons, firms or corporations, refusing or neglecting to comply with or conform to the provisions of this act, when required to do so by the agent or assistant agents of the State dairy bureau, or who shall in any manner interfere with them in the performance of their duties under this act, shall be guilty of a misdemeanor. Whoever shall violate any of the provisions or sections of this act shall be guilty of a misdemeanor. **Disposition of fines.** All fines collected under the provisions of this act shall be paid to the agent of the State dairy bureau, and by said bureau paid into the State treasury.

Annual report to contain statistical matter. SEC. 11. For the purpose of obtaining accurate information regarding the dairy industries of the State, the dairy bureau shall annually require in writing from each owner or manager of a dairy, owning or controlling any dairy stock exceeding one dozen cows in number, a report showing location of dairy, number and breed of all dairy stock in use or appurtenant thereto, together with such other pertinent information as said bureau may require. Information thus obtained shall be embraced in the annual report of the dairy bureau.

State dairy bureau to enforce. SEC. 12. It shall be the duty of the State dairy bureau now provided by law, by its general agent, to enforce the provisions of this act. Such agent shall receive an additional salary of **Salary of agent.** fifty dollars per month, payable out of the money appropriated for the enforcement of this act.

Appropriation. SEC. 13. There is hereby appropriated for the use of the State dairy bureau, in enforcing and carrying out the provisions of this act, out of any money in the State treasury not otherwise appropriated, the sum of one thousand dollars ($1,000) for the remainder of the fiftieth fiscal year; three thousand seven hundred and fifty dollars ($3,750) for the first six months of the fifty-first fiscal year; three thousand seven hundred and fifty dollars ($3,750) for the last six months of the fifty-first fiscal year; and five thousand dollars ($5,000) for the fifty-second fiscal year.

Disbursements. SEC. 14. All salaries, fees, costs, and expenses shall be drawn from the moneys so appropriated, and the State controller shall draw his warrant on the State treasury in favor of the person or persons entitled to the same; *provided*, that the State board of examiners are hereby specially prohibited from granting or allowing any deficiency to the State dairy bureau for the purposes of this act; *and provided further*, that in no event shall there be more agents or assistant agents employed, or expenses incurred under this act than the appropriations herein made will pay for the respective periods for which they are made.

In effect. SEC. 15. This act shall take effect immediately.

COLORADO.

See Fourteenth Annual Report of the Bureau of Animal Industry, pages 568–570, for:

Laws of 1895, chapter 19 (sections 1–18).[1]—An act to create the office of State dairy commissioner and to define his duties; and to regulate the manufacture and sale of all products of the dairy and all imitations thereof; and to provide the penalty for violations thereof; and making appropriations therefor; and to repeal an act entitled "An act to regulate the manufacture and sale of oleomargarine, cre-

[1] Section 2 of this act provides for the employment of a practical chemist, but no appropriation is made for paying for such services, and private donations have to be depended upon.

ating the office of State dairy commissioner and defining his duties, and making appropriation therefor," approved April 12, 1893, and all acts and parts of acts inconsistent with the provisions of this act. (Approved April 1, 1895.)

CONNECTICUT.

See Fourteenth Annual Report of the Bureau of Animal Industry, pages 570–574, for:

General statutes, revision of 1887, sections 2614–2619 and 2658–2664.[1]—Concerning imitation butter, appointment of dairy commissioner, and impure milk.

Public Acts 1897, chapter 145 (sections 1–3).—An act concerning the selling of tub butter. (Approved May 5, 1897.)

Public Acts 1895, chapter 235 (sections 1–10).—An act regulating the manufacture and sale of food products. (Approved June 26, 1895.) [See amendment following:]

Sections recently amended:

PUBLIC ACTS OF 1895, Chapter 235

Connecticut Agricultural Experiment Station to make analyses.

SEC. 4. (As amended by section 1, chapter 22 of Public Acts of 1899.) The Connecticut Agricultural Experiment Station shall make analyses of food products on sale in Connecticut, or kept in Connecticut for export, to be sold without the State, suspected of being adulterated. Samples of food products for analysis shall be taken by the duly authorized agents of the station, or by the dairy commissioner or his deputy, at such times and places and to such an extent as in the judgment of the officers of said experiment station and of the dairy commissioner shall seem expedient. The dairy commissioner or his deputy shall have full access at all reasonable hours to any place wherein it is suspected that there is kept for sale or for export, as above specified, any article of food adulterated with any deleterious or foreign ingredient or ingredients, and said dairy commissioner or his deputy, upon tendering the market price of such article, may take from any person, firm, or corporation, samples of the same. The said experiment station may adopt or fix standards of purity, quality, or strength, when such standards are not specified by law.

Powers of dairy commissioner.

Food standards.

Commissioner to be notified of adulteration.

SEC. 5. (As amended by section 1, chapter 22 of Public Acts of 1899.) Whenever said experiment station shall find by its analysis that adulterated food products have been on sale in the State, or kept in the State for export, for sale without the State, it shall forthwith transmit the facts so found to the dairy commissioner, who shall make complaint to the proper prosecuting officer, to the end that violators of the law relating to the adulteration of food products shall be prosecuted.

DELAWARE.

See Fourteenth Annual Report of the Bureau of Animal Industry, pages 574–576, for:

Laws of 1887, chapter 231 (sections 1–4).—An act for the protection of the public health and to prevent adulteration of dairy products and fraud in the sale thereof. (Passed April 15, 1887.)

Laws of 1895, chapter 209 (sections 1–5).—An act to prevent deception in the manufacture and sale of imitation butter. (Passed May 8, 1895.)

DISTRICT OF COLUMBIA.

See Fourteenth Annual Report of the Bureau of Animal Industry, pages 576–581, for:

Fifty-third Congress, Session III, chapter 164 (sections 1–15).—An act to regulate the sale of milk in the District of Columbia, and for other purposes. (Approved March 2, 1895.)[2]

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[1] $1,000 is appropriated for the expenses of the office of the dairy commissioner.

[2] The health officer's regulations in force under this act are dated July 31, 1897.

Forty-fifth Congress, Session III, chapter 22 (sections 1–3).—An act for the protection of dairymen, and to prevent deception in sales of butter and cheese in the District of Columbia. (Approved January 25, 1879.)

Fifty-fifth Congress, Session II, chapter 25 (sections 1–10).—An act relating to the adulteration of foods and drugs in the District of Columbia. (Approved February 17, 1898.)

FLORIDA.

[The following Revised Statutes include the dairy law published in the Fourteenth Annual Report of the Bureau of Animal Industry (page 581), and other sections which might apply to dairy products:]

Selling diseased provisions, whether for meat or drink; penalty.

SEC. 2659. Whoever knowingly sells any kinds of diseased, corrupted or unwholesome provisions, whether for meat or drink, without making the same fully known to the buyer, shall be punished by imprisonment not exceeding six months, or by fine not exceeding two hundred dollars.

Adulteration of any substance intended for food; penalty.

SEC. 2660. Whoever fraudulently adulterates, for the purpose of sale, bread or any other substance intended for food, with any substance injurious to health, shall be punished by imprisonment not exceeding one year, or by fine not exceeding three hundred dollars; and the articles so adulterated shall be forfeited and destroyed under the direction of the court.

Sale of spurious preparations as butter prohibited.

SEC. 2662. Whoever knowingly and willfully sells or causes to be sold as butter any spurious preparation purporting to be butter, whether known as oleomargarine, or by any other name, shall be punished by imprisonment not exceeding thirty days, or by fine not exceeding one hundred dollars.

Use in hotels, etc., must be made known.

SEC. 2663. Any keeper of any hotel or boarding house who shall knowingly and willfully, without giving notice to guests at the table, supply oleomargarine or other spurious preparation purporting to be butter, for the use of guests, shall be subject to the same penalty.

GEORGIA.

See Fourteenth Annual Report of the Bureau of Animal Industry, pages 581–583, for—

Acts of 1895, part 1, title 7, No. 207 (sections 1–14).—An act to regulate the sale of milk, butter, and cheese, and to prescribe penalties for the unlawful sale or offering for sale of any watered or adulterated or unwholesome milk, and imitations or adulterations of butter and cheese. (Approved December 16, 1895.)

IDAHO.

See Fourteenth Annual Report of the Bureau of Animal Industry, page 583, for—

General Laws, 1884–85, page 61 (sections 1–2).—An act to prevent the sale of oleomargarine, butterine, mixtures imitating or adulterated butter. (Approved January 27, 1885.)

Revised Statutes of 1897, section 6918.—Concerning adulterated foods, etc.

ILLINOIS.

See Fourteenth Annual Report of the Bureau of Animal Industry, pages 583–588, for—

Laws of 1879, page 111 (sections 1–7) (=Hurd's Revised Statutes, chapter 38, sections 9–9e).—An act to regulate the sale of milk and to provide penalties for the adulteration thereof. (Approved May 29, 1879.)

Laws of 1883, page 54 (sections 1–4) (=Revised Statutes, chapter 5, sections 29–32).—An act to require operators of butter and cheese factories on the cooperative plan to give bonds, and to prescribe penalties for the violation thereof. (Approved June 18, 1883.)

Laws of 1879, page 11 (sections 1–3) (=Revised Statutes, chapter 38, sections 39a–39c).—An act to prevent frauds in the manufacture and sale of butter and cheese. (Approved May 31, 1879.)

Laws of 1881, page 74 (sections 1 and 2) (=Revised Statutes, chapter 38, sections 9f, 9g).—An act to prevent the adulteration of butter and cheese, or the sale or disposal of the same, or the manufacture or sale of any article as a substitute for butter or cheese, or any article to be used as butter and cheese. (Approved June 1, 1881.)

Laws of 1881, page 75 (sections 1, 3–8) (=Revised Statutes, chapter 38, sections 9h–9o).—An act to prevent and punish the adulteration of articles of food, drink, and medicine, and the sale thereof when adulterated. (Approved June 1, 1881.)

Laws of 1897, page 3 (sections 1–11) (=Revised Statutes, chapter 38, sections 39d–39n).—An act to regulate the manufacture and sale of substitutes for butter. (Approved June 14, 1897.)

Laws of 1885, page 207 (sections 1 and 3) (=Revised Statutes, chapter 38, sections 104a–104c).—An act to protect the public from imposition in relation to canned or preserved food. (Approved June 27, 1885.)

Additional laws are as follows:

LAWS OF 1897, page 268.

AN ACT to fix the standard of analysis of milk. (Approved June 7, 1897.)

Milk standard. That the standard of analysis for milk in this State as to ingredients and proportions shall be water, eighty-eight per centum, milk solids, twelve per centum, and said milk solids shall contain not less than three per centum of butter fat.

When contracts are made for milk purchased within this State for delivery within or without this State no other standard shall be used except by special contract in writing.

LAWS OF 1899, page 368.

AN ACT to provide for the appointment of a State Food Commissioner and to define his powers and duties and fix his compensation, and to prohibit and prevent adulteration, fraud, and deception in the manufacture and sale of articles of food, and to repeal certain acts or parts of acts herein named. (Approved April 24, 1899.)

Food commissioner; term, salary. SECTION 1. That the office of State Food Commissioner for the State of Illinois is hereby created. Within thirty days after this act shall take effect such commissioner shall be appointed by the Governor, by and with the advice and consent of the Senate, and his term of office shall be for two (2) years from the date of his appointment and until his successor is appointed and qualified. Thereafter the term of office of the commissioner shall be for four years and until his successor is qualified. The salary of the commissioner shall be twenty-five hundred dollars ($2,500) per annum and his necessary and actual expenses in the discharge of his official duties

Assistant commissioners. SEC. 2. Such commissioner may, with the advice and consent of the Governor, appoint two assistant commissioners, each of acknowledged standing, ability and integrity, one of whom shall be an expert in the matter of dairy products, and the other of whom shall be a practical and analytical chemist, who shall be known as the State analyst. The salaries of such assistants shall not exceed eighteen hundred dollars ($1,800) each per annum and their necessary and actual expenses incurred in the discharge of their official duties. In case of the absence or inability of the State analyst to perform all the duties of his office, the commissioner may appoint some competent person to assist in the same temporarily.

Salaries.

Appointment of inspectors. SEC. 3. The food commissioner shall have authority to appoint necessary inspectors not exceeding six in number to assist in the work of the food commissioner, at such times and for such periods of time as may be required in the enforcement of the dairy and food laws of the State. Such inspectors shall have the same right of access to places to be inspected as the commissioner. The compensation of such inspectors shall be three dollars ($3.00) per day for each day of actual service, and their necessary and actual expenses when so employed.

Duty of commissioner.

SEC. 4. It shall be the duty of the commissioner to enforce all laws that now exist or that may hereafter be enacted in this State regarding the production, manufacture, or sale of dairy products, or the adulteration of any article of food, and personally or by his assistants to inspect any article of food made or offered for sale within this State, which he may, through himself or his assistants, suspect or have reason to believe to be impure, unhealthful, adulterated, or counterfeit, and to prosecute, or cause to be prosecuted, any person or persons, firm or firms, corporation or corporations, engaged in the manufacture or sale of any adulterated or counterfeit article or articles of food contrary to the laws of this State.

Analysis of suspected articles.

SEC. 5. It shall be the duty of the food commissioner to carefully inquire into the quality of the dairy and food products, and the several articles which are foods or the necessary constituents of food which are manufactured for sale or sold or exposed or offered for sale in this State, and he may in a lawful manner procure samples of the same, and direct the State analyst to make due and careful examination of the same and report to the commissioner the results of the analysis of all or any such food or dairy products as are adulterated, impure or unwholesome, in contravention of the laws of this State, and it shall be the duty of the commissioner to make complaint against the manufacturer or vendor thereof in the proper county, and furnish the prosecuting attorney with the evidence thereon and thereof to obtain a conviction for the offense charged. The food commissioner or his assistants, or

Powers of food commissioner.

any person by him duly appointed for that purpose, shall have power in the performance of their duties to enter any dairy, creamery, cheese factory, store, saleroom, warehouse (except bonded warehouses for the storage of distilled spirits), where goods are stored or exposed for sale, or place where they have reason to believe food is stored or offered for sale, and open any cask, tub, jar, bottle, or package containing or supposed to contain any article of food, and examine or cause to be examined the contents thereof, and take therefrom samples for analysis. The person making

Taking samples.

such inspection shall take such sample of such article or product in the presence of at least one witness, and he shall, in the presence of such witness, mark or seal such sample and shall tender, at the time of taking, to the manufacturer or vendor of such product, or to the person having the custody of the same, the value thereof, but if the person from whom such sample is taken shall request him to do so, he shall at the same time, and in the presence of the person from whom such property is taken, securely seal up two samples of the article seized or taken, the one of which shall be for examination or analysis under the direction of the commissioner, and the other of which shall be delivered to the person from whom the article was taken. Any person who

Penalty for hindrance.

shall obstruct the commissioner or any of his assistants by refusing to allow him entrance to any place which he desires to enter in the discharge of his official duty, or refuse to deliver to him a sample of any article of food made, sold, offered or exposed for sale by such person, when the same is requested, and when the value thereof is tendered, shall be guilty of a misdemeanor, punishable by a fine of not exceeding fifty (50) dollars for the first offense, and not exceeding five hundred (500) dollars or less than fifty dollars ($50) for each subsequent offense.

State's attorneys to assist.

SEC. 6. It shall be the duty of the State's attorney in any county of the State, when called upon by the commissioner or any of his assistants, to render any legal assistance in his power to execute the laws and to prosecute cases arising under provisions of this act.

State board of health to furnish samples.

SEC. 7. The State board of health may submit to the commissioner or to any of his assistants samples of food or drink for examination or analysis, and shall receive special reports showing the result of such examination or analysis.

Certificates of analysis forbidden.

SEC. 8. It shall be unlawful for the State analyst, while he holds his office, to furnish to any individual, firm or corporation any certificate as to the purity or excellence of any article manufactured or sold by them to be used as food or in the preparation of food.

Payment of salaries and expenses.

SEC. 9. The salary of the commissioner shall be paid from the fund appropriated for the payment of the salaries of State officers, and his assistants shall be paid out of the State treasury from the same fund and in the same manner as the salaries of other employes of the State are paid, and their official expenses shall be paid at the end of each cal-

endar month upon bills duly itemized and approved by the Governor, and the amount necessary to pay such salaries and expenses is hereby appropriated.

Chemical laboratory appropriation. SEC. 10. The commissioner may, under the direction of the Governor, fit up a laboratory with sufficient apparatus for making the analysis contemplated in this act, and for such purpose the sum of fifteen hundred dollars ($1,500), or so much thereof as may be necessary, is hereby appropriated; and for the purpose of providing materials, and for necessary expenses connected with the making of such analysis, there is also hereby appropriated so much money as may be necessary, not exceeding six hundred dollars ($600) annually. The appropriation provided for in this section shall be drawn from the State treasury upon certified bills approved by the Governor.

Annual report of commissioner. SEC. 11. The commissioner shall make an annual report to the Governor on or before the first day of January in each year, which shall be printed and published. Such report shall cover the doings of his office for the preceding year and shall show, among other things, the number of factories, creameries and other places inspected, and by whom; the number of specimens of food articles analyzed and the State analyst's report upon each one when the analysis indicates the same to be contrary to law; the number of complaints entered against persons for violation of the laws relative to the adulteration of food; the number of convictions had and the amount of fines imposed therefor, together with such recommendations relative to the statutes in force as his experience may justify. The commissioner may also prepare, print and distribute [to] the newspapers of the State, and to such persons as may be interested, or may apply therefor, a monthly bulletin containing the results of inspections, the results of analysis made by the State analyst of articles of food offered by [for] sale contrary to law, with proper explanation of the same, and such other information as may come to him in his official capacity relating to the adulteration of food and drink products and of dairy products, so far as he may deem the same of benefit and advantage to the public; also a brief summary of all the work done during the month by the commissioner and his assistants in the enforcement of the laws of the State, but not more than ten thousand copies of each of such monthly bulletins shall be printed: *Provided*, the necessary printing shall be done by the State printer, and all expenses for stationery and printing shall be audited, and paid from the same fund and in the same manner as other State printing and stationery.

Monthly bulletin.

State printer.

Fines to State treasury. All fines, penalties and costs recovered for violations of this act and other acts now enacted or hereafter to be enacted prohibiting or regulating the adulteration of foods, shall be paid into the State treasury to the credit of the general fund of the State.

Manufacture or sale of adulterated food. SEC. 12. No person shall, within this State, manufacture for sale, have in his possession with intent to sell, offer for sale, or sell, any article of food which is adulterated within the meaning of this act.

Food defined. SEC. 13. The term "food," as used herein, shall include all articles, whether simple, mixed or compound, used for food, candy, drink or condiment by man or domestic animals.

Adulteration defined. SEC. 14. An article shall be deemed to be adulterated within the meaning of this act:[1] *First*—If any substance or substances

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[1] The State food commissioner has published the following rules:

All milk offered for sale must be from healthy cows of clean and wholesome character, unadulterated, free from preservative, and must contain not less than three per cent of butter-fat.

The use of the word "Cream" on condensed milk cans is deemed *prima facie* evidence of intent to commit fraud.

Condensed milk shall be made from milk containing at least the legal standard of three per cent butter-fat and evaporated to one-third or less of its original volume.

Condensed skim milk must be plainly labeled as such.

Imitation butter must not be marked and sold as "Creamery" or "Dairy," but each should be marked plainly with its own name, but must be branded "Imitation Butter."

Oleomargarine, butterine and imitation butter can be manufactured and sold under their appropriate names and color when appropriately labeled. Each tub, package or parcel shall have distinctly and durably painted, stamped or marked thereon the true and appropriate name of such substance in ordinary bold-faced capital letters, not less than five lines pica.

"Whole milk" cheese, commonly miscalled "full cream" cheese, must contain at least forty-eight per cent of fat to total solids.

Butter shall contain at least 80 per cent of fat.

"Coffee cream" shall contain at least 15 per cent of fat, and "whipping cream" at least 22 per cent.

Canned goods must be labeled with grade or quality of the goods and the name and address of the seller or manufacturer.

has or have been mixed with it so as to depreciate, lower or injuriously affect its quality, strength, or purity. *Second*—If any inferior or cheaper substance or substances has or have been substituted wholly or in part for the article. *Third*—If any valuable necessary constituent or ingredient has been wholly or in part abstracted from it. *Fourth*—If it be an imitation of and sold under the name of another article. *Fifth*—If it is mixed, colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is. *Sixth*—If it contains any added substance or ingredient which is poisonous or injurious to health. *Seventh*—If it consists wholly or in part of a decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not, or if it is the product of a diseased animal, or if of an animal that has died otherwise than by slaughter: *Provided*, that an article of food which does not contain any ingedient injurious to health, and in the case of mixtures or compounds, which may be now, or from time to time hereafter, known as articles of food under their own distinctive names, or which shall be labeled so as to plainly indicate that they are mixtures, combinations, compounds, or blends, and not included in definition fourth of this section, shall not be deemed to have been adulterated: *Provided further*, that all manufactured articles of food offered for sale shall be distinctly labeled, marked or branded with the name of the manufacturer and place of manufacture, or the name and address of the packer or dealer who sells same.

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Canned goods. SEC. 20. No packer or dealer in preserved or canned fruits and vegetables, or other articles of food, shall sell or offer for sale such canned or preserved fruits and vegetables or other articles of food, unless they shall be entirely free from substances or ingredients deleterious to health, and unless such articles bear a mark, stamp, brand, or label, bearing the name and address of the firm, person, or corporation that packs same, or dealer that sells same. All soaked or bleached goods or goods put up from products dried before canning, shall be plainly marked, branded, stamped, or labeled as such, with the words "soaked" or "bleached goods" in letters not less than two-line pica in size, showing the name of the article and the name and address of the packer or dealer who sells same.

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False brands. SEC. 23. Whoever shall falsely brand, mark, stencil, or label any article or product required by this act to be branded, marked, stenciled, or labeled, or shall remove, alter, deface, mutilate, obliterate, imitate, or counterfeit any brand, mark, stencil, or label so required, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five nor more than two hundred dollars and costs of prosecution, or by imprisonment in the county jail for not less than thirty days nor more than ninety days, or by both such fine and imprisonment, in the discretion of the court, for each and every offense.

Penalty.

Taking orders deemed a sale. SEC. 24. The taking of orders, or the making of agreements or contracts, by any person, firm, or corporation, or by any agent or representative thereof, for the future delivery of any of the articles, products, goods, wares, or merchandise embraced within the provisions of this act, shall be deemed a sale within the meaning of this act.

Sample for analysis to be furnished. SEC. 25. Every person manufacturing, offering, or exposing for sale or delivery, to a purchaser any article intended for food, shall furnish to any person or analyst or other officer or agent appointed hereunder who shall apply to him for the purpose, and shall tender him the value of the same, a sample sufficient for the analysis of any such article which is in his possession. Whoever hinders, obstructs, or in any way interferes with any inspector, analyst or other officer appointed hereunder in the performance of his duty, and whoever wilfully neglects or refuses to do any of the acts or things enjoined by this act, or in any way violates any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall, where no specific penalty is prescribed by this act, be punished by a fine not exceeding two hundred nor less than twenty-five dollars, or by imprisonment in the county jail for a period not exceeding ninety days, or by both such fine and imprisonment in the discretion of the court.

Penalty.

Repeal. SEC. 26. All acts and parts of acts inconsistent with this act, and section 6[1] of an act entitled "An act to prevent the adulteration of butter and cheese,

[1] The act named and referred to above has but two sections.

or the sale or disposal of the same, or the manufacture or sale of any article as a substitute for butter or cheese, or any article to be used as butter and cheese." approved June 1, 1881, be, and they are hereby, repealed.

Penalties suspended. SEC. 27. For the purpose of enabling dealers in products affected by this act to dispose of same without loss, it is hereby expressly provided that the penalties of this act, and prosecution under same, are suspended until the first day of July, 1900.

INDIANA.

See Fourteenth Annual Report of the Bureau of Animal Industry, page 589, for—

Horner's Revised Statutes, 1897, sections 2071 and 2071a.—Concerning sale of adulterated and impure milk, butter and cheese, and oleomargarine.

Recently enacted:

ACTS OF 1899. Chapter 121.[1]

AN ACT forbidding the manufacture, sale or offering for sale of any adulterated foods or drugs, defining foods and drugs, stating wherein adulteration of foods and drugs consist and defining the duties of the State Board of Health in relation to foods and drugs, their inspection, purity, adulteration, declaring penalties for the violation of the laws, rules, and ordinances concerning foods and drugs, also liquors used or intended for drink, repealing acts in conflict therewith. (S. 54. Approved February 28, 1899. In force April 28, 1899.)

Adulterated food forbidden. SECTION 1. That no person shall, within this State, manufacture for sale, offer for sale, or sell any drug or article of food which is adulterated within the meaning of this act. The term "drug" as used in this act, shall include all medicines for internal or external use, anti-**Food defined.** septics, disinfectants, and cosmetics. The term "food" as used herein, shall include confectionery, condiments, and all articles used for food or drink by man. An article shall be deemed to be adulterated within **Adulteration defined.** the meaning of this act: (*a*) In case of drugs * * * (*b*) In the case of food, (1) if any substance or substances have been mixed with it, so as to reduce, or lower, or injuriously affect its quality or strength; (2) if any inferior or cheaper substance or substances have been substituted wholly or in part for it; (3) if any valuable constituent has been wholly or in part abstracted from it; (4) if it is an imitation of or sold under the name of another article; (5) if it consists wholly or in part of a diseased, decomposed, putrid, or rotten animal or vegetable substance, whether manufactured or not, or, in the case of milk, if it is the product of a diseased animal; (6) if it is colored, coated, polished, or powdered, whereby damage is concealed, or if it is made to appear better or of greater value than it really is; (7) if it contains any added poisonous ingredient, or any ingredient which may render it injurious to the health of the person consuming it. The provisions of this act shall not apply to mixtures or compounds **Exceptions.** recognized as ordinary articles of food or drink: *Provided*, That the same are not injurious to health, and are distinctly labeled as mixtures or compounds; and no prosecutions shall at any time be maintained under said act concerning any drug, the standard of strength of purity whereof has been raised since the issue of the last edition of the United States Pharmacopeia, unless and until such change of standard has been published throughout the State.

State Board of Health to enforce. SEC. 2. It shall be the duty of the State Board of Health to enforce the laws of the State governing food and drug adulteration; and the State Health Officer shall be the State inspector of **Inspector of foods.** foods and drugs. The State Board of Health shall take cognizance of the interests of the public health relating to the sale of drugs and foods, and the adulteration of the same, and shall make all necessary investigation and inquiries in reference thereto, and for these purposes the State, county, city, and town Health Officers shall be food and drug inspectors, subordinate to the State Board of Health. Within ninety days after the passage of this act, the

[1] This law is not strictly enforced because necessary appropriation for enforcement has not been made.

State Board of Health shall adopt such measures[1] as may be necessary to facilitate the enforcement hereof, and shall prepare rules and ordinances where and when necessary regulating minimum standards for foods and drugs, defining specific adulteration and declaring the proper methods of collecting and examining drugs and articles of food. Every person offering or exposing for sale or delivering to a purchaser any drug or article of food included in the provisions of this act, shall furnish to any analyst or other officer or agent appointed hereunder, who shall apply to him for the purpose and shall tender to him the value of the same, a sample sufficient for the purpose of the analysis of any such drug or article of food which is in his possession. Whoever hinders, obstructs, or in any way interferes with any inspector, analyst or other officer appointed hereunder in the performance of his duty, and whoever violates any of the provisions of this act, shall, upon conviction, be fined in any sum not exceeding $100. Whoever fraudulently adulterates, for the purpose of sale, bread or any other substance intended for food with any substance injurious to health, or knowingly barters, gives away, sells or has in his possession with intent

Rules concerning adulteration.

Samples for analysis.

Penalties.

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[1] *Rules of the Indiana State board of health, according to chapter 121, acts of 1899, establishing minimum standards and defining specific adulterations of foods and drugs. (Passed October 13, 1899.)*

MILK.

RULE 1. Pure cow's milk shall have the following minimum composition: Fat, 3 per cent; solids, not fat, 9 per cent.

RULE 2. Water existing in cow's milk in excess of 88 per cent shall be an adulteration. Any coloring matter added for any purpose whatsoever shall be an adulteration. Any chemical antiseptic whatever added for any purpose whatsoever shall be an adulteration.

RULE 3. Milk sold or offered for human consumption that is taken from a cow that has calved within four (4) days, or from a cow that will come in or calve inside of twenty-one (21) days, is polluted, and shall be considered as adulterated.

RULE 4. Milk sold or offered for human consumption that is taken from a cow fed with damaged food, or any food which will impart a disagreeable flavor, is impure, and shall be considered as adulterated.

RULE 5. Milk sold or offered for human consumption that is taken from any sick or diseased cow, or any cow that is given polluted water to drink, or which is kept under conditions contrary to the rules of the State board of health governing dairies, is impure, and shall be considered as adulterated.

BUTTER.

RULE 6. The word "butter" shall mean the substance usually known as butter, made exclusively from milk or cream, with or without salt or coloring matter, and shall contain not less than 80 per cent of pure milk fats.

RULE 7. If any of the following-named substances are found in butter, they shall be considered adulterants: Water in excess of 15 per cent; salt in excess of 6 per cent; salicylic acid, borax, boric acid, saltpeter, formaldehyde, glucose, sodium carbonate or bicarbonate, or any other added chemical, or any other fat than butter fat, any other coloring matter than is natural to butter, except annotto, saffron, safflower, turmeric, and harmless coal-tar colors.

MARGARINE.

RULE 8. The word "margarine" shall mean all substances, whether compounds or otherwise, prepared in imitation of butter, and whether mixed with butter or not.

RULE 9. If any of the following named substances are found in "margarine" they shall be considered adulterants: Water in excess of 15 per cent; salt in excess of 6 per cent; glucose, paraffin, salicylic acid, borax, boric acid, saltpeter, formaldehyde, sodium carbonate or bicarbonate, or any chemical preservative. Any coloring matter or mixture of coloring matters other than annotto, saffron, safflower, and turmeric and other harmless vegetable colors, and the harmless coal-tar colors shall be considered adulterants.

CHEESE.

RULE 10. Cheese not made wholly from milk or cream, salt, and harmless coloring matter shall be considered adulterated.

RULE 11. Cheese containing less than 10 per cent of milk fats shall be considered adulterated unless plainly labeled "Skim-milk cheese" in letters not less than 1 inch long, the label to be plainly exposed.

RULE 12. Cheese containing any other fats than milk fats shall be considered adulterated unless plainly labeled "Filled cheese."

RULE 13. Cheese containing any coloring matter other than annotto, safflower, saffron, turmeric, or harmless coal-tar colors shall be considered as adulterated.

RULE 14. Cheese containing any chemical antiseptic other than common salt shall be considered as adulterated, unless plainly labeled with the name of the antiseptic it contains.

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RULE 31. Food inspectors, when securing samples of food or drugs for analysis, shall, if the quantity procured be sufficient in amount, divide said sample into three equal parts, marking each one with date of collection, name and residence of vender, name and residence of inspector, and shall number the several portions 1, 2, 3. No. 1 shall be left with the vender, No. 2 retained by the inspector, and No. 3 reserved for or sent to the chemist selected to make the analysis. All these samples or portions shall be so sealed as to show upon sight any breaking of said seal.

RULE 32. Whoever violates any of the provisions of these rules shall, upon conviction, be fined in any sum not exceeding $100, as is provided in section 2, Chapter CXXI, of an act approved February 28, 1899.

to sell any substance injurious to health, shall be fined in any sum not exceeding $100, and the article so adulterated shall be forfeited and destroyed under the direction of the court. Whoever adulterates, for the purpose of sale, liquor used or intended for drink, and whoever knowingly sells any such liquor so adulterated, shall be punished by fine of not less than one hundred nor more than five hundred dollars, and the article so adulterated shall be forfeited, and destroyed according to the order of the court.

Repeal. SEC. 3. All acts and parts of acts in conflict with the provisions of this statute are hereby repealed.

IOWA.

See Fourteenth Annual Report of the Bureau of Animal Industry, pages 589–592, for—

Code of 1897, title 12, chapter 13, sections 2515–2528.[1]—Concerning dairy commissioner, testing apparatus, imitation butter and cheese, dairy premises, milk tests, permits to sell milk, appropriation, etc.

Code of 1897, title 24, chapter 10, sections 4989–4991.—Concerning milk standard, care of cows, skimmed-milk cheese, adulteration, etc.

KANSAS.

See Fourteenth Annual Report of the Bureau of Animal Industry, pages 593–594, for—

General statutes, 1897, volume 2, sections 322–325, 327–331.—Concerning impure milk and adulteration of food.

KENTUCKY.

See Fourteenth Annual Report of the Bureau of Animal Industry, pages 594 and 595, for—

Acts of 1891, 1892, and 1893, chapter 182, sections 144 and 151.—Concerning adulterated milk and false brands. (Approved April 10, 1893.)

Acts of 1898, chapter 52 (sections 1–11).—An act regulating the manufacture and sale of food.

LOUISIANA.

See Fourteenth Annual Report of the Bureau of Animal Industry, page 596, for—

Acts of 1886, No. 81 (sections 1–3).—An act to prohibit the sale in this State of oleomargarine, butterine, or other substances as butter, and to provide a penalty for the violation of the same. (Approved July 8, 1886.)

The following also refers to dairy products:

ACTS OF 1882, NO. 82.

AN ACT to define and punish adulteration of drugs, food and drink, providing for stamping articles manufactured, sold or offered for sale within this State, and prescribing punishment for its violation, and prescribing certain duties of the Board of Health relative to samples, and their analysis and fees therefor. (Approved July 5, 1882.)

Adulterated foods and drugs prohibited; penalty. SECTION 1. No person shall, within this State, manufacture, have, offer for sale, or sell any article of food or drugs which is adulterated, and any person violating this provision shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding fifty dollars for the first offense, and not exceeding one hundred dollars for each subsequent offense.

Adulteration defined. SEC. 2. An article shall be deemed adulterated within the meaning of this act, in the case of drugs * * * and in the

[1] The appropriation named in section 2528 is now $1,000, in addition to the salary of the commissioner.

case of food or drink, if any substance has been mixed with it, so as to lower or injuriously affect its quality or strength, or if any inferior or cheaper substance or substances have been substituted wholly or in part for the pure article, or to mix any substance in food or drink so sold, or to sell the same so mixed, which by its use will affect in any extent the public health or injure the health of the consumer of said food or drink.

Wholesale packages of groceries, etc., to be stamped.

SEC. 3. No person shall manufacture, sell, or offer for sale within this State, any drugs, groceries, such as sugar, coffee, tea, butter, cheese, or any other article to be consumed as food or drink, unless the package when sold at wholesale or the package from which it is taken, when sold at retail be stamped in plain large letters, showing the true quality and kind of the articles sold within the meaning of this act, and every person violating the provisions of this section shall be deemed guilty of a misdemeanor, and shall upon conviction pay a fine of not less than twenty-five dollars, nor more than fifty dollars, or be sentenced to imprisonment for not more than ten days or both at the discretion of the court.

Penalty.

False labels; penalty.

SEC. 4. That any person who knowingly sells any article of food or drink with a stamp as provided aforesaid, and the article so sold is not the article it purports to be, or inferior quality, shall be deemed guilty of a misdemeanor, and upon conviction shall pay a fine not exceeding one hundred dollars.

State Board of Health to examine foods and publish results.

SEC. 5. The State Board of Health shall take cognizance of the interests of the public health as it relates to the sale of food and drugs, and the adulteration of the same, and make all necessary investigations and inquiries relative thereto; and at any time, when in their judgment necessary, they shall chemically analyze any drug or drugs, articles of food and drink, and shall publish the results of their analysis together with the name of the article or articles analyzed, in case the same be deleterious to the public health, and to warn the public against its consumption. On application of any citizen, they shall also analyze the article or articles presented for analysis by him; but in this case he shall pay such fees, for said analysis, as the Board of Health may fix.

Samples for analysis to be furnished.

SEC. 6. On application of the Board of Health through the officer to be selected by them, every person manufacturing or selling any article of food or drugs, shall be bound to furnish a sample of the said articles so manufactured, or sold to the said Board, sufficient in quantity to serve the purpose of analysis, under a penalty of not more than twenty dollars, to be recovered before any court of competent jurisdiction.

In effect.

SEC. 7. That this act shall take effect sixty days after the promulgation thereof.

MAINE.

See Fourteenth Annual Report of the Bureau of Animal Industry, pages 596–598, for—

Revised Statutes of 1883, chapter 38, sections 44–47.—Concerning milk inspectors; adulterated milk, and milk measures.

Public Laws of 1895, chapter 144 (one section).—An act relating to health and boards of health. (Approved March 26, 1895.)

Public Laws of 1895, chapter 169 (sections 1–5).—An act for the protection of dairymen. (Approved March 27, 1895.)

Revised Statutes of 1883, chapter 128, sections 3–6.—Concerning sale of imitations of butter and cheese.

MARYLAND.

See Fourteenth Annual Report of the Bureau of Animal Industry, pages 958–601 for—

Laws of 1890, chapter 604 (= sections 48, 49, 51–57 of article 43 of Code of Public General Laws).—An act to add additional sections to article forty-three of the Code of Public General Laws, title "Health," to be numbered "sections forty-eight, forty-nine, fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, fifty six, and fifty-seven," so as to provide for the prevention of the adulteration

of articles of food and drink and the sale thereof when adulterated or unwholesome. (Approved April 8, 1890.)

Laws of 1894, chapter 53 (sections 1 and 2).—An act to authorize the mayor and city council of Baltimore to provide for the inspection and regulation of the sale of milk or any or all other food products offered for sale in the city of Baltimore, or intended for consumption therein. (Approved March 7, 1894.)

[Public General Laws, 1888, article 27, sections 88–91, were repealed and reenacted, amended, as below.]

Recently enacted:

LAWS OF 1898, Chapter 306, p. 871.

AN ACT to add certain new sections to Article 58 of the Code of Public General Laws, title "Live Stock," under the new sub-title "Dairies," to follow Section 18 in proper numerical order. (Approved April 9, 1898.)

New sections added to Article 58 of Code of Public General Laws.

SECTION 1. That certain new sections be and the same are hereby added to Article 58 of the Code of Public General Laws, title "Live Stock," under the new sub-title "Dairies," to follow section 18 of said Article in proper numerical order, and to read as follows:

Cattle to be registered. Penalty.

19. It shall be the duty of all dairymen or herdsmen or private individuals supplying milk to cities, towns and villages to register their herds or cattle with the Live Stock Sanitary Board, in violation of which the parties offending shall be fined not less than $1 nor more than $20 for each offence.

Dairy premises to be inspected.

20. It shall be the duty of the Live Stock Sanitary Board, to have inspected at least annually, without notice to the owner or those in charge of any dairy or parties supplying milk, as named in section 19 of this article, the premises wherein cows are kept, and if such premises are found in any unsanitary condition, the said board may prohibit the sale and shipment of milk from such premises until such time as the premises shall conform to the following sanitary rules:

Construction of stables.

RULE 1. No building or shed shall be used for stabling cows for dairy purposes, which is not well lighted and well ventilated, and which is not provided with sufficient feed trough or box, and suitable floor, laid with proper grades and channels to immediately carry off all drainage; and if a public sewer abuts the premises upon which such building is situated, they shall be connected therewith whenever the inspector considers such sewer connection necessary.

Unsanitary conditions not permitted.

RULE 2. No water-closet, privy, cesspool, urinal, inhabited room or work-shop shall be located within any building or shed used for stabling cows for dairy purposes or for the storage of milk or cream; nor shall any fowl, hog, sheep, or goat be kept in any room used for such purposes.

Cleanliness; whitewash.

RULE 3. It shall be the duty of each person using any premises for keeping cows for dairy purposes, to keep such premises thoroughly clean and in good repair and well painted or whitewashed at all times.

Buildings to be kept clean.

RULE 4. It shall be the duty of each person using any premises for keeping cows for dairy purposes, to cause the building in which the cows are kept to be thoroughly cleaned, and remove all dung from the premises so as to prevent its accumulation in great quantities.

Milk vessels; care.

RULE 5. Any person using any premises for keeping cows for dairy purposes, shall provide and use a sufficient number of receptacles, made of nonabsorbent materials for the reception, storage and delivery of milk, and shall cause them at all times to be cleaned and purified, and shall cause all milk to be removed without delay from the rooms in which cows are kept.

Care of cows.

RULE 6. Every person keeping cows for the production of milk for sale shall cause every such cow to be cleaned every day, and to be properly fed and watered with abundance of pure, clean water.

Inclosures to be drained.

RULE 7. Any inclosure in which cows are kept shall be graded and drained, so as to keep the surface reasonably

dry; no garbage, fecal matter, or similar matter shall be placed or allowed to remain in such inclosure unless sufficient straw or similar good absorbent materials be used to keep the inclosure clean at all times, and no open drains shall be allowed to run through it.

Penalty. And any person who shall ship or sell milk contrary to the aforesaid order of said board shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one dollar nor more than twenty dollars for each day during which shipments shall be made after notice of such order.

Certificates of health for cattle. 21. The Live Stock Sanitary Board shall, at the request of the owner or owners of dairy herds, furnish them with a certificate of health whenever the provisions of this article are complied with, and there is no visible sign of disease amongst such herd, such certificates shall be revocable in the discretion of the Board.

Appropriation. 22. For the purpose of paying the expenses required in carrying out the provisions of this sub-title, the sum of three thousand dollars is here appropriated annually, or so much thereof as is necessary out of the moneys in the treasury not otherwise appropriated, and the Comptroller is authorized and directed to draw his warrant on the treasury for such sum as the said board shall produce vouchers for, not exceeding the amount appropriated, payable monthly.

In effect. SEC. 2. That this Act shall take effect from the date of its passage.

LAWS OF 1900, Chapter 496.

AN ACT to repeal sections 88, 89, 90 and 91 of article 27 Code of Public General Laws—title, "Crimes and Punishments;" subtitle, "Frauds—Butter—Oleomargarine"—and to reenact the same with amendments, so as to read as follows: (Approved April 7, 1900.)

Repeal. SECTION 1. That Sections 88, 89, 90 and 91 of Article 27 Code of Public General Laws, title,—"Crimes and Punishments", sub-title, "Frauds—Butter—Oleomargarine" be and the same are hereby repealed and reenacted, so as to read as follows:

Imitations of butter prohibited. SEC. 88. That no person by himself, his agents or servants, or as the agent or servant of any other person, shall render or manufacture, sell or exchange, offer for sale or exchange, expose for sale or exchange, take orders for the future delivery of, have in his possession, keep in storage, distribute, deliver, transfer, or convey with intent to sell within this State, any article, product, or compound made wholly or partly out of any fat, oil, or oleaginous substance or compound thereof not produced directly and wholly from unadulterated milk or cream from the same, which shall be in imitation or semblance of yellow butter produced from pure unadulterated milk or cream from the same: *provided*, that nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine in a separate form, and in such manner as will advise the purchaser and consumer of its real character free from coloration or ingredient which causes it to look like yellow butter. Whoever violates any of the provisions of this section, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars nor more than three hundred dollars for the first offense, and by a fine of not less than two hundred nor more than five hundred dollars or by such fine and three months imprisonment for each subsequent offense.

Oleomargarine permitted.

Penalty.

Placards where oleomargarine is sold. SEC. 89. That whoever sells oleomargarine free from coloration or any ingredient that causes it to look like yellow butter, as provided in the previous section from any dwelling, store, office, or public market shall have conspicuously posted therein a placard or sign in plain Roman letters not less than four inches in length "Oleomargarine Sold Here." Any person neglecting or failing to post the placard herein provided for, shall be guilty of a misdemeanor and shall be punished by fine of not less than one hundred dollars, nor more than three hundred dollars for the first offense, and one hundred dollars for each days neglect so to post or placard thereafter, and by a fine of not less than two hundred dollars nor more than five hundred dollars, or by such fine and three months imprisonment for each subsequent offense.

Penalty.

Sale of imitation as butter; penalty. SEC. 90. That whoever by himself, or his servants or agents, or as the servant or agent of any other person, sells or offers for sale to any person who asks, sends, or inquires for butter, any oleomargarine, butterine, or any substance made in imitation or semblance of butter, not made entirely of milk, or cream from the milk, of cows, with or

without coloring matter, shall be guilty of fraud and shall be punished by fine of one hundred dollars for the first offense, and by imprisonment of three months for each subsequent offense.

Use of imitations in eating places, hospitals, etc.

SEC. 91. That no person by himself, his servants or agents, or as the servant or agent of any other person, shall serve to patrons, guests, boarders, or inmates of any hotel, eating house, restaurant, café, or any place of public entertainment or boarding house or public or private hospital, asylum, school, or penal institution, or help employed therein, any article or substance made in violation of the provisions of section 88 of this act, or any food made of the same or cooked in the same. Whoever by himself, his servants or agents, serves to any patron or guest or boarder, or inmate of any hotel, eating house, restaurant, café, or any place of public entertainment, or boarding house, or public or private hospital, asylum, school, or penal institution or help employed therein, oleomargarine free from coloration or any ingredient to make it look like yellow butter as provided in section 88 of this act, in the place or stead of butter, shall orally notify said guests, patrons, inmate, or help that the substance so furnished is not butter, and shall in addition conspicuously display at all times on each and every side of the room where the same is served a sign in plain Roman letters not less than four inches in length "Oleomargarine Used and Served Here." Any person violating the provisions of this section by neglecting or failing to give the oral notice and keeping the signs conspicuously posted on the walls of the room where the meals are served shall be guilty of a misdemeanor, and shall be punished by a fine of fifty dollars for the first offense, and by a fine of one hundred dollars, and imprisonment of one month for each subsequent offense.

Guests, etc., to be informed of use of oleomargarine.

Penalty.

Repeal. SEC. 2. That all laws or parts of laws inconsistent with this act shall be, and the same are hereby, repealed.

Indictments to be prosecuted. SEC. 3. That all indictments under the act of 1888, chap. 312, codified as sec. 88, 89, 90, and 91 of Article XXVII, shall be prosecuted as though the same were not repealed.

In effect. SEC. 4. That this law shall take effect from the date of its passage.

MASSACHUSETTS.

See Fourteenth Annual Report of Bureau of Animal Industry, pp. 601–608, for—

Acts of 1891, chapter 412, sections 6–11.[1]—Concerning Dairy Bureau. (June 11, 1891.)

Public Statutes, chapter 57[2] (sections 1–11).—Concerning milk, licenses, and inspectors. [Section 9 of this act has been amended as below.]

Acts of 1885, chapter 352, section 8.—Concerning skimmed milk. (June 18, 1885.)

Acts of 1886, chapter 318, sections 3 and 4.—Concerning sealed samples. (In effect June 23, 1886.)

Acts of 1894, chapter 425 (one section).—Concerning samples. (May 22, 1894.)

Acts of 1896, chapter 264 (sections 1–3).—Concerning canned milk.

Public statutes, chapter 56, sections 17–21.—Concerning imitation butter and cheese and inspections.

Acts of 1886, chapter 317, sections 3–5.—Concerning dairy nomenclature and licenses for selling imitation butter, etc.

Acts of 1891, chapter 58[3] (secs. 1–3).—Concerning oleomargarine and inspections.

Acts of 1891, chapter 412 (secs. 1–5).—Concerning oleomargarine. (June 11, 1891.)

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[1] Section 6 is repealed by chapter 368, acts of 1900, and a new section, which was not received in time for publication in this bulletin, provides for a general agent of the dairy bureau.

[2] By chapter 240, section 38, acts of 1899, the city board of health of Somerville is authorized to appoint its own milk inspectors. Sections 5 and 6, as amended by sections 1 and 2 of chapter 300, acts of 1900, were not received in time for publication in this bulletin—their wording and penalties have been slightly changed.

[3] Most of the prosecutions for selling oleomargarine illegally are under this act.

Acts of 1889, chapter 326 (one section).—Concerning feeding garbage to cows. (Approved May 9, 1889.)

Acts of 1882, chapter 263, section 6.—Concerning samples. (In effect May 26, 1882.)

Recent amendment and enactments:

PUBLIC STATUTES, chapter 57.

Milk standard. SEC. 9 (as amended by section 6 of chapter 352 of the acts of the year 1885, and by section 2 of chapter 318 of the acts of the year 1886, and by section 2, chapter 398, acts of 1896 and by section 1, chapter 223, acts of 1899). In all prosecutions under this chapter, if the milk is shown upon analysis to contain less than thirteen per cent of milk solids, or to contain less than nine and three-tenths per cent of milk solids exclusive of fat, or to contain less than three and seven-tenths per cent of fat, it shall be deemed for the purposes of this act to be not of good standard quality, except during the months of April, May, June, July, August and September, when milk containing less than twelve per cent of milk solids, or less than nine per cent of milk solids exclusive of fat, or less than three per cent of fat, shall be deemed to be not of good standard quality.

ACTS OF 1899, chapter 169 (sections 1 and 2).

AN ACT relative to the inspection of milk. (Approved March 18, 1899.)

Report of analysis. SECTION 1. Whenever the State board of health, dairy bureau, or other State or city authority, obtains a sample of milk for inspection, by taking, purchase, or otherwise, the analysis of said sample shall within ten days of the procurement thereof, be sent to the person from whom the sample was obtained.

SEC. 2. This act shall take effect upon its passage.

ACTS OF 1899, chapter 340.

Renovated butter to be labelled. SECTION 1. Whoever, by himself or his agents, or as the servant or agent of any other person, sells, exposes for sale, or has in his custody or possession with intent to sell, any article or compound which is produced by taking original packing stock or other butter, or both, and melting the same, so that the butter fat can be drawn off, then mixing the said butter fat with skimmed milk, or milk, or cream, or other milk product, and rechurning the said mixture; or which is produced by any similar process and is commonly known as process butter, shall have the words "Renovated Butter" conspicuously stamped, labelled, or marked in a straight line in printed letters of plain, uncondensed Gothic type, not less than half an inch in length, so that said words can not easily be defaced, upon the top, side and bottom of every tub, firkin, box, or package containing said article or compound.

Retail sales. SEC. 2. In case of the retail sale of said article or compound not in the original package, the seller shall, by himself or his agents, attach to each package so sold, and shall deliver therewith to the purchaser, a label or wrapper bearing in a conspicuous place upon the outside of the package the words "Renovated Butter," in printed letters in a straight line of plain, uncondensed Gothic type, not less than half an inch in length.

Penalty. SEC. 3. Whoever violates any of the provisions of this act shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the house of correction for a term not exceeding one year.

MICHIGAN.

See Fourteenth Annual Report of the Bureau of Animal Industry, pages 608–617, for—

Public Acts, 1893, No. 211 (sections 1–12).—An act to provide for the appointment of a dairy and food commissioner, and to define his powers and duties and fix his compensation. (Approved June 2, 1893.) [Sections 6, 7, 9, 11, and 12 of this act have been amended as below.]

Public acts, 1895, No. 193, sections 1–8 and 17–21.—An act to prohibit and prevent adulteration, fraud, and deception in the manufacture and sale of articles of food and drink. (Approved May 22, 1895.)

Public acts of 1873, No. 26 (one section) (= Howell's Annotated Statutes, 2244) (= Compiled Laws, vol. 3, page 3405).—An act to prevent and punish offenders for the adulteration of milk, and the products made therefrom, and to repeal an act entitled "An act to prevent the adulteration of milk, and to prevent the traffic in impure and unwholsome milk," approved March thirty-first, eighteen hundred and seventy-one. (Approved March 12, 1875.)

Public acts, 1887, No. 246 (sections 1–14) (= Howell's Annotated Statutes, 1690m–1690z) (= Compiled Laws, vol. 3, page 3406).—An act to prevent the sale of impure, unwholesome, adulterated, or swill milk in the State of Michigan, and to provide for inspectors. (Approved June 25, 1887.)

Public acts of 1891, No. 45 (sections 1 and 2).—An act to prohibit the use of oleomargarine, butterine, or any other substitute for butter in any of the public institutions of this State, and to provide the punishment therefor. (Approved April 29, 1891.)

[It is reported that the oleomargarine law printed below repeals the three following acts: Public acts of 1897, No. 76; public acts of 1887, No. 166 (= Howell's Annotated Statutes, 1690j); and public acts of 1881, No. 34 (= Howell's Annotated Statutes, 2245)].

Recent amendments and enactments:

PUBLIC ACTS OF 1893, No. 211.

Duties of commissioner. SEC. 6. (As amended by Act No. 245, Public Acts, 1895; and by Act No. 154, Public Acts, 1897; and by Act No. 268, Public Acts, 1899.) It shall be the duty of the Dairy and Food Commissioner to carefully inquire into the quality of the dairy and food and drink products, and the several articles which are foods or the necessary constituents of foods, which are manufactured or sold or exposed or offered for sale in this State, and he may in a lawful manner procure samples of the same and direct the State analyst to make due and careful examination of the same, and report to the commissioner the result of the analysis of all or any of such food and drink products or dairy products, as is adulterated, impure or unwholesome, in contravention of the laws of this State, and it shall be the duty of the commissioner to make complaint against the manufacturer or vender thereof, in the proper county, and furnish the evidence thereon and thereof to obtain a conviction of the offense charged. The Dairy and Food Commissioner, or his deputy, or any person by him duly appointed for that purpose, may make complaint and cause proceedings to be commenced against any person for the violation of any of the laws relative to adulterated, impure, or unwholesome food, and in such case he shall not be obliged to furnish security for costs; and shall have power in the performance of their duties to

Powers of officers. enter into any creamery, factory, store, salesroom, drug store, or laboratory, or place where they have reason to believe food or drink are [is] made, prepared, sold or offered for sale, and to open any cask, tub, jar, bottle, or package containing or supposed to contain any article of food or drink and examine or cause to be examined the contents thereof, and take therefrom samples for analy-

Samples to be taken. sis. The person making such inspection shall take such sample of such article or product, in the presence of at least one witness, and he shall in the presence of such witness mark or seal such sample and shall tender at the time of taking to the manufacturer or vender of such product, or to the person having the custody of the same, the value thereof, and a statement in writing of the reason for taking such sample.

Prosecuting attorneys to assist. SEC. 7. (As amended by Act No. 245, Public Acts, 1895; and by Act No. 268, Public Acts, 1899.) It shall be the duty of each prosecuting attorney when called upon, to render any legal assistance in his power, under the provisions of this act, or any subsequent act relative to the adulteration of food for the sale of impure or unwholesome food or food products.

Annual report; contents of. SEC. 9. (As amended by Act No. 245, Public Acts, 1895; and by Act No. 154, Public Acts, 1897; and by Act No. 268, Public Acts, 1899.) The commissioner shall make an annual report to the Governor on or before the first day of July in each year, and which shall be printed and published on or before the first day of September next thereafter, which report shall cover the doings of his office for the preceding fiscal year which shall show, among other things, the number of manufactories and other places inspected and by whom, the number of specimens of food articles analyzed, and the State analyst's

report upon each one: the number of complaints entered against persons for violation of the laws relative to the adulteration of food, the number of convictions had, and the amount of fines imposed therefor, together with such recommendations relative to the statutes in force as his experience may justify. The commissioner shall also prepare, print, and distribute to all the papers of the State, and to such persons as may be interested or may apply therefor, a monthly bulletin in suitable paper covers, containing results of inspections, the results of analyses made by the State analyst, with popular explanation of the same, and such other information as may come to him in his official capacity relating to the adulteration of food and drink products and of dairy products, so far as he may deem the same of benefit and advantage to the public; also a brief summary of all the work done during the month by the commissioner and his assistants in the enforcement of the laws of the State, but not more than ten thousand copies of each of such monthly bulletins shall be printed.

Monthly bulletins.

Appropriation. SEC. 11. (As added by Act No. 245, Public Acts, 1895; and amended by Act No. 154, Public Acts, 1897; and by Act No. 268, Public Acts, 1899.) There shall be appropriated each year the sum of eighteen thousand dollars, out of which shall be paid in such manner as other similar salaries, expenses, and accounts are allowed and paid, all the salaries and expenses provided for in this act: *Provided*, That all expenses for stationery and printing shall be audited and paid in the same manner as other State printing and stationery.

Tax levy. SEC. 12. (As added by Act No. 245, Public Acts, 1895; and amended by Act No. 154, Public Acts, 1897; and by Act No. 268, Public Acts, 1899.) The Auditor-General is hereby directed to annually add to and incorporate into the State tax, to be levied each year, the sum of eighteen thousand dollars, to be levied, assessed and collected as in case of other taxes for general purposes, upon all the property of the State, and when the tax is so levied and collected, the same shall be paid into and become a part of the general fund to reimburse such fund for the amounts appropriated to carry into effect the provisions of this act.

ACT No. 167, PUBLIC ACTS, 1899.

AN ACT in relation to the Powers and Duties of the Dairy and Food Commissioner of the State of Michigan.

Misdemeanor to obstruct an official. SECTION 1. That any person who shall obstruct the Dairy and Food Commissioner, or his deputy, or any of his duly appointed inspectors, by refusing to allow him entrance to any place where he is authorized to enter in the discharge of his official duty, or refuses to deliver to him a sufficient sample for the analysis of any article of food or drink sold, offered or exposed for sale, or in his possession for the purpose of sale, wherever the same may be found, when the same is requested and when the value thereof is tendered, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars or more than one hundred dollars and the costs of prosecution, or by imprisonment in the county jail not less than ten days or more than ninety days, or by both such fine and imprisonment, in the discretion of the court, for each and every offense.

Penalty.

In effect. This act is ordered to take immediate effect.

ACT No. 106, PUBLIC ACTS, 1899.

AN ACT in relation to the sale and delivery of milk.

Adulterated or preserved milk. SECTION 1. No person shall offer or expose for sale, sell, exchange, or deliver, or have in his possession with intent to sell, exchange, or deliver, any milk to which water, chemicals, or preservatives, or any other foreign substance has been added. The term milk as used in this act shall include all skimmed milk, buttermilk, cream and milk in its natural state, as drawn from the cow.

Penalty. SEC. 2. Whoever shall do any of the acts or things prohibited, or neglects or refuses to do any of the acts or things enjoined by this act, or in any way violates any of its provisions, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than one dollar nor more than one hundred dollars and the costs of prosecution, or by imprisonment in the county jail not more than ninety days, or by both such fine and imprisonment, in the discretion of the court.

In effect. This act is ordered to take immediate effect.

ACT No. 254, PUBLIC ACTS, 1899.

AN ACT to regulate the sale of butter produced by taking original packing stock and other butter and melting the same, so that the butter oil can be drawn off, mixed with skimmed milk or other material and by emulsion or other process produce butter, and butter produced by any similar process, and commonly known as "Process" Butter; Providing for the enforcement thereof, and punishment for the violation of the same. (In effect September 22, 1899.)

Process butter must be labeled.

SECTION 1. That no person, firm or corporate body shall, within this State, sell, or offer or expose for sale, or have in his, her, or their possession with intent to sell, any butter not labeled in compliance with the provisions of this act. Butter produced by taking original packing stock and other butter and melting the same, so that the butter oil can be drawn off, mixed with skim milk or other material, and by emulsion or other process produce butter, and butter produced by any similar process, and commonly known as "Process" butter, shall before sale, and before being offered and exposed for sale, and while in the possession of any person, firm, or corporate body with intent to sell the same be plainly labeled "Process Butter," in the manner prescribed by this act. If sold, offered or exposed for sale, or in possession of any person, firm, or corporate body with intent to sell, the prints or rolls shall be covered by wrappers, on which shall be printed in conspicuous letters the words "Process Butter." If packed in tubs or other receptacles, and sold or offered or exposed for sale, or held in the possession of any person, firm, or corporate body with intent to sell the same, the said words shall be printed in one inch letters on the top and two sides of the tub or receptacle: if uncovered and not contained in a tub or other receptacle, and sold or offered or exposed for sale, or held in the possession of any person, firm, or corporate body with intent to sell the same, a placard containing the said words shall be attached to the mass, in a manner making them plain and prominent.

Penalty.

SEC. 2. Every person, firm, or corporate body who shall violate any of the provisions of this act shall, for every such offense, forfeit and pay not less than twenty-five dollars nor more than one hundred dollars, which shall be recoverable with costs, including expense of inspection and analysis, by any person suing in the name of the People of the State of Michigan, as debts of like amount are by law recoverable: *Provided*, That the Dairy and Food Commissioner, together with the deputies, agents and assistants, shall be charged with the enforcement of this act, and shall have full access to all places of business, factories, buildings, carriages, cars, vessels, barrels, and packages of whatever kind, used in the manufacture and transportation and sale of any butter or any adulteration or imitation thereof. They shall also have power and authority to open any package, barrel, or vessel containing any butter, or any adulteration or imitation thereof, which may be manufactured, sold, or offered or exposed for sale, or held in possession with intent of the holder to sell: and they shall also have full power and authority to take the samples thereof for analysis, upon tendering the value of said samples. And all charges, accounts, and expenses of the department for the enforcement of this act, through the said commissioner, and his deputies, agents, assistants, chemists, and counsel employed by him in carrying out the provisions of this act, shall be paid by the treasurer of the State out of the appropriation for the support of the Dairy and Food Department.

Commissioner and deputies to enforce; special powers.

Payments for enforcement.

Penalty.

SEC. 3. Every person who violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days, or both fine and imprisonment, for the first offense; and a fine of one hundred dollars and imprisonment for thirty days, for every subsequent offense: *Provided*, That all fines and costs, including the expense of inspection and analysis imposed under this section, shall be covered into the State Treasury, as provided by section two of this act; and all butter sold or offered or exposed for sale, or held in the possession of anyone with intent to sell the same in violation of the provisions of this act shall be subject to forfeiture and spoliation.

Disposition of fines.

Justices of the peace to act.

SEC. 4. Justices of the peace throughout this State shall have jurisdiction to hear and determine actions arising for violations of the provisions of this act, and to hold for court or to impose the penalties imposed therein, subject to appeal as the law shall direct.

ACT No. 147, PUBLIC ACTS, 1899.

AN ACT in relation to the manufacture and sale of oleomargarine or imitation butter.

Oleomargarine to be labeled. SECTION 1. No person shall sell, expose or offer for sale or exchange, or have in his possession with intent to sell or exchange, any oleomargarine or other substance made in imitation of butter, and which is intended to be used as a substitute for butter, unless each and every vessel, package, roll, or parcel of such substance has distinctly and durably printed, stamped, or stenciled thereon in black letters the true name of such substance, in ordinary bold-faced capital letters, not less than five-line pica in size; and also the name and address of the manufacturer, together with the name of each and every article or ingredient used or entering into the composition of such substance, in ordinary bold-faced letters, not less than pica in size.

Verbal notice with sale. SEC. 2. No person shall sell, exchange, or deliver any oleomargarine or other substance made in imitation of butter, and which is intended to be used as a substitute for butter, unless he shall distinctly inform the purchaser by a verbal notice at the time of the sale that the same is a substitute for butter, and shall also deliver to the purchaser of each and every roll, package, or parcel of such oleomargarine or other substance, at the time of the delivery of the same, a separate and distinct label, on which is plainly and legibly printed in black ink in ordinary bold-faced capital letters not less than five-line pica in size, the true name of such substance and also the name and address of the manufacturer, together with the name of each article used and entering into the composition of such substance, in ordinary bold-faced letters not less than pica in size.

Label with sale.

Placards in eating places and stores. SEC. 3. The proprietor or keeper of any store, hotel, restaurant, eating saloon, boarding house, or other place where oleomargarine is sold or furnished to persons paying for the same, shall have placed on the walls of every store or room where oleomargarine is sold or furnished, a white placard on which is printed in black ink, in plain Roman letters of not less than three inches in length, and not less than two inches in width, the words "Oleomargarine Sold or Used Here," and shall at all times keep the same exposed in such conspicuous place as to be readily seen by any and all persons entering such store or other room or rooms.

Dairy terms for oleomargarine forbidden. SEC. 4. No person shall use in any way, in connection or association with the sale or exposure for sale or advertisement of any substance designed to be used as a substitute for butter, the word "Butter," "Creamery," or "Dairy," or the name or representation of any breed of dairy cattle, or any combination of such word or words and representation, or any other words or symbols or combinations thereof commonly used in the sale of butter.

Butter defined. SEC. 5. For the purpose of this act the word "butter" shall be understood to mean the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter.

Oleomargarine defined. SEC. 6. For the purposes of this act certain manufactured substances, certain extracts, and certain mixtures and compounds, including such mixtures and compounds with butter, shall be known and designated as "Oleomargarine," namely: All substances heretofore known as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, vegetable oil, butterine, lardine, suine and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, vegetable oil, intestinal fat, and offal fat, made in imitation or semblance of butter, or, when so made, calculated or intended to be sold or used as butter or for butter.

Penalty. SEC. 7. Whoever violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars, nor more than five hundred dollars, and the costs of prosecution, or by imprisonment in the county jail or State House of Correction and Reformatory at Ionia, for not less than six months nor more than three years, or by both such fine and imprisonment in the discretion of the court, in each and every offense. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

In effect. This act is ordered to take immediate effect.

MINNESOTA.

See Fourteenth Annual Report of the Bureau of Animal Industry, pages 622–623, for—

General Laws of 1887, chapter 141 (sections 1 and 2).—An act to prevent fraud in dairy products and to preserve health.

General Laws of 1895, chapter 202 (sections 1–5).—An act to preserve the public health by requiring dealers in certain cases to empty and wash cans, bottles, and vessels used in transporting milk or cream. (Approved April 25, 1895.)

General Laws of 1895, chapter 203 (sections 1–3).—An act relating to the inspection of milk and of dairies and dairy herds, and to provide for the licensing and regulation of the sale of milk in cities. (Approved April 26, 1895.)

[General Laws of 1885, chapter 149, as amended and supplemented by chapter 140, General Laws of 1887 and chapter 247, General Laws of 1889; and General Laws of 1891, chapter 11, have been superseded by General Laws of 1899, chapter 295, below.]

Recently enacted:

GENERAL LAWS 1899, CHAPTER 295.

AN ACT to prevent fraud in the sale of dairy products, their imitations or substitutes, to prohibit and prevent the manufacture or sale of unhealthy or adulterated dairy products, and to preserve the public health. (Approved April 19, 1899.)

State dairy and food commissioner; salary. SECTION 1. The governor shall appoint a commissioner who shall be known as the State Dairy and Food Commissioner, who shall be a citizen of this State, and who shall hold his office for a term of two years, or until his successor is appointed, and who shall receive a salary of $1,800 per annum and his necessary expenses incurred in the discharge of the duties required of him by law, and shall be charged with the **Duty.** enforcement of the various laws coming under his department. It shall be the duty of the said commissioner to enforce all laws that now exist or that hereafter may be enacted in this State regarding the production, manufacture, and sale of dairy products, their imitations and substitutes and food prepared therefrom, the production, manufacture, sale, or adulteration of which is made subject to this or other laws, and to prosecute or cause to be prosecuted any person, firm, or corporation or agent thereof, engaged in the manufacture or sale of any impure, adulterated, or counterfeit dairy products that are produced, offered for sale, or sold, contrary to the laws of this State. Said commissioner may be removed from office at the pleasure of the governor and a successor appointed in his stead.

Other officers and salaries. The said commissioner is hereby authorized and empowered to appoint a secretary, whose salary shall be $1,200 per annum, one assistant commissioner, whose salary shall be $1,500 per annum, one chemist, whose salary shall be $1,500 per annum, one assistant chemist when needed, to be paid not to exceed $100 per month, and such number of inspectors as may by him be deemed necessary, to be paid at the rate of $100 per month and the necessary expenses incurred in the performance of their duties, and to employ such **Appropriation.** counsel as may be deemed necessary. The sum of $15,000 annually is hereby appropriated to be paid for the execution of the dairy laws, out of any money in the State treasury not otherwise appropriated. All charges, accounts, and expenses authorized by this act shall be paid by the treasurer of the **Biennial reports and bulletins.** State upon the warrant of the State auditor. The said commissioner shall make biennial reports to the legislature not later than the fifteenth day of January of his work and proceedings, and shall report in detail the number of inspectors he has appointed and employed, with their expenses and disbursements, and the amount of salary paid the same, and he may from time to time issue bulletins of information, when in his judg- **Office and laboratory.** ment the interests of the State would be promoted thereby. The said commissioner shall have rooms in the capitol, to be set apart for his use by the governor, and a laboratory in the capitol where all chemical analyses for the department shall be conducted. This section shall not affect the tenure of office of the present commissioner, and he shall be regarded as having been appointed under the provisions of this act.

Powers of officers. SEC. 2. The said commissioner and assistant commissioner and such inspectors, agents, experts, chemists, and counsel as they shall duly authorize for the purpose, shall have access, ingress, and egress to all places of business, factories, farms, buildings, carriages, and cars used in the man-

ufacture and sale or transport of any dairy product or any substitute therefor, or imitation thereof, and also into all restaurants, dining halls, cafes, hotels and all rooms thereof, and all other places wherein food is prepared, stored or served to patrons. They shall also have power and authority to open any package, can or vessel containing such article which may be manufactured, sold, or exposed for sale in violation of the provisions of this act, or laws that now exist or that may hereafter be enacted in this State, and may inspect the contents thereof, and may take samples therefrom for analysis. All dealers, clerks, bookkeepers, express agents, railroad officials, employes, or common carriers shall render to them all the assistance in their power when so required in tracing, finding, or discovering the presence of any article prohibited by law.

Assistance to be given.

Failure to assist. SEC. 3. Any refusal or neglect on the part of such dealers, clerks, bookkeepers, express agents, railroad officials, employes, or common carriers to render such friendly aid shall be deemed a misdemeanor and shall be punished as hereinafter provided.

Impure milk prohibited. SEC. 4. No person, firm, or corporation shall offer or expose for sale, or sell or deliver for sale or consumption, or have in his possession with intent to sell, any unclean, impure, unhealthful, unwholesome, or adulterated milk or cream from the same, or any milk, or cream from the same, which has not been well cooled, aerated, or to which preservatives of any kind have been added.

Care of cows. SEC. 5. No person, firm, or corporation shall keep cows for the production of milk for market or for sale or exchange, or for manufacturing the same, or cream from the same, into articles of food, in a crowded condition, or in stables which are not perfectly ventilated or which are filthy from an accumulation of animal refuse or from any other cause. Nor shall milk for such purposes be drawn from cows which are themselves in a condition of filth or uncleanness, or from cows which are affected with tuberculosis, ulcers, running sores, or any other form of disease, or from cows which are fed, either wholly or in part, upon distillery waste, or brewery grains, or the waste of vinegar, or that of sugar factories, not properly preserved in silos, or upon any other form of food which will produce milk which is unhealthful or unwholesome; or from cows within fifteen days before and five days after parturition; and all milk thus produced is hereby declared to be unclean, impure, unhealthful, and unwholesome milk, and any milk which is shown by analysis to contain any substance or substances of any character whatever not natural or normal constituents of milk, or to have been deprived either wholly or in part of any constituent naturally or normally contained in milk or which is shown to contain more than eighty-seven per centum of water fluids or less than thirteen per centum of milk solids, of which not less than three and one-half per centum shall be fat, is hereby declared to be adulterated milk. This section shall not be construed to prevent the feeding of ensilage from silos. The having in possession by any person, firm or corporation producing milk for market or for sale or exchange, or for manufacturing the same, or cream from the same into articles of food, of distillery waste or brewery grains, or the waste of vinegar, or that of sugar factories not preserved as aforesaid, or any other form of food which will produce milk which is unhealthy or unwholesome, shall be considered for the purposes of this act as prima facie evidence of an intent to use the same contrary to the provisions of this act.

Use of milk from unclean or affected cows.

Addition of foreign matter.

Milk standard.

Manufacture of any food from unhealthy milk. SEC. 6. No person, firm, or corporation shall manufacture from unclean, impure, unhealthful, or unwholesome milk, or of cream from the same, any article of food.

Cream standard. SEC. 7. No person, firm, or corporation shall sell or offer for sale or have in his possession with intent to sell, any cream taken from impure, unwholesome, or diseased milk or cream that contains less than twenty per centum of fat.

Skim milk must be labeled. SEC. 8. No person, firm, or corporation shall sell or expose for sale, or have in his possession, with intent to sell, in any store or place of business, or on any wagon or other vehicle used in transporting or selling milk from which cream has been removed, or milk commonly called "skimmed milk," without first marking the can, vessel, or package containing said milk with the words "skimmed milk," in large, plain, black letters upon a light-colored background, each letter being at least one inch high and one-half inch wide; said words shall be on the top or side of said can, vessel, or package where they can be easily seen.

Standard apparatus for testing milk. SEC. 9. The State standard milk measures or pipettes shall have for milk a capacity of seventeen and six-tenths cubic centimeters, and for cream shall have a capacity of eighteen cubic centimeters, and the State standard test tubes or bottles for milk shall have a capacity for two cubic centimeters of mercury at a temperature of sixty degrees Fahrenheit between "zero" and ten on the graduated scale marked on the necks thereof; and the standard test tubes or bottles for cream shall have a capacity of six cubic centimeters of mercury at a temperature of sixty degrees Fahrenheit between "zero" and thirty on the graduated scale marked on the necks thereof, and it is hereby made a misdemeanor to use any other size of milk measure, pipette, test tube, or bottle to determinate the per cent of butter fat, where milk or cream is purchased by, or furnished to, creameries or cheese factories, and where the value of said milk or cream is determined by the per cent of butter fat contained in the same. Any manufacturer, merchant, dealer, or agent in this State who shall offer for sale or sell, a cream or milk pipette or measure test tube or bottle which is not correctly marked or graduated as herein provided shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 30 of this act.

Penalty.

False tests. SEC. 10. It shall be unlawful for the owner, manager, agent or any employe of a creamery or cheese factory to manipulate or under-read the Babcock test, or any other contrivance used for determining the quality or value of milk.

Sale or use of preservatives prohibited. SEC. 11. No person, firm, or corporation shall manufacture for sale, advertise, offer or expose for sale, or sell, any mixture or compound intended for use as an adulterant of or preservative of milk, butter, or cheese, nor shall any person, firm, or corporation add to milk or butter or cheese, or during the process of their manufacture, any borax, boric acid, salicylic acid, formaldehyde, formalin, or any other substance or substances in the nature of adulterants, antiferments, or preservatives. *Provided*, however, that this section shall not apply to pure salt added to butter and cheese.

Licenses to peddle milk. SEC. 12. Whoever by himself or his agents conveys milk in carriages, carts, or other vehicles, or in any manner, for the purpose of selling the same, in any city or town of 1,000 inhabitants or more, shall annually on the first day of May, or within thirty days thereafter, be licensed by the State Dairy and Food Commissioner to sell milk within the limits of said city or town, and shall pay to the said State Dairy and Food Commissioner the sum of one dollar for each and every carriage, cart, or other vehicle thus employed, to the use of said dairy and food commissioner. Licenses shall be used only in the names of the owners of carriages, carts, or other vehicles, and shall for the purpose of this act be prima facie evidence of ownership. All licenses shall terminate on the first day of May of each and every year. No licenses shall be sold, assigned or transferred. Each license shall record the name, residence, place of business, number of carriages, carts, or other vehicles used (where more than one is employed), the name and residence of any driver, or other person engaged in selling or delivering said milk, the number of the carriage, cart, or other vehicle, where he has more than one, and the number of license. Each licensee shall, before engaging in the sale of milk, cause his name, the number of his license, and the number of the carriage, cart, or other vehicle, where he has more than one, and his place of business to be legibly placed on each outer side of all carriages, carts, or other vehicles used by him in the conveyance or sale of milk and he shall report to the State dairy and food commissioner any change of driver, or other person employed by him, which may occur during the term of his license. Any person keeping not more than one cow shall be exempted from the provisions of this section.

Requirements of licenses.

Licenses to sell at stores, etc., required. SEC. 13. Every person, firm, or corporation before selling milk or offering it for sale, or having it in his possession, with intent to sell in a store, booth, stand, creamery, cheese factory, or any other place, in the respective towns or cities, as designated in section 13 of this act, shall procure a license from the State Dairy and Food Commissioner, or his authorized agents, and shall pay therefor the sum of one dollar. Every such license shall terminate on the first day of May in each and every year. No license shall be sold or transferred.

Disposal of adulterated milk. SEC. 14. No person by himself or his agents or servants shall sell, supply, or bring to be manufactured, to any butter or cheese manufactory any milk diluted with water or any other substance

whatever, or any unclean, impure, unhealthy, adulterated, or unwholesome milk, or milk from which any cream has been taken (except pure skim milk to skim cheese factories), or shall keep back any part of the milk commonly known as "strippings," or shall bring or supply milk which is sour, to any butter or cheese manufactory (except pure skim milk to skim cheese factories). No butter or cheese manufactories except those which buy all the milk they use shall use for their own benefit or allow any of their employes or any other person to use any of the milk or cream brought to said manufactories, or the product thereof, without the consent of the owners thereof. Every butter and cheese manufacturer, except those who buy all the milk they use, shall keep a correct record of all the milk daily received, and of the number of pounds and packages of butter, the number and aggregate weight of cheese made each day, the number of packages of cheese and butter disposed of, which record shall be open to inspection to every person who delivers milk to such manufacturer.

Use of milk for benefit of operators.

Record of operations of factories.

Other articles not to be sold as butter or cheese.

SEC. 15. No person by himself or his agents or servants shall manufacture for sale, have in his possession with intent to sell, offer or expose for sale, or sell as butter or as cheese any substance not the exclusive and legitimate product of milk or cream.

Imitations of butter and cheese prohibited.

SEC. 16. No person by himself or his agents, or his agents or servants shall manufacture for sale, have in his possession with intent to sell, expose or offer for sale, or sell as butter or as cheese, or as substitutes for butter or cheese, or as imitations of butter or cheese, under any name or title whatsoever, any mixture or compound, which is designed to take the place of butter or of cheese, and which is made from animal or vegetable oils or fats, or by the mixing or compounding of the same, or any mixture or compound consisting in part of butter or of cheese in mixture or combination with animal or vegetable oils or fats, nor shall any person mix, compound with or add to milk, cream, butter, or cheese any animal or vegetable oils or fats, with design or intent to make or produce any article or substance in imitation of butter or cheese, nor shall any person coat, powder, or color with annotto or with any other coloring matter whatever, butterine, or oleomargarine or any mixture or compound of the same, or any article or compound made wholly or in part from animal or vegetable oils or fats not produced from milk or cream, whereby the said article or compound shall be made to resemble butter or cheese, nor shall any person offer or expose for sale or sell any article, substance, or compound made, manufactured, or produced in violation of the provisions of this section, whether such article, substance, or compound shall have been made, manufactured, or produced within this State or in any other State or country; and the having in possession by any person, firm, or corporation of any article, substance, or compound made, manufactured, or produced in violation of the provisions of this section shall be considered as prima facie evidence of an intent to sell the same as butter or as cheese contrary to the provisions of this section.[1]

Cheese brands.

SEC. 17. The Minnesota State Dairy and Food Commissioner is hereby authorized and directed to procure and issue to the cheese manufacturers of the State, and under such regulations as to the custody and use thereof as he may prescribe, a uniform stencil brand bearing a suitable device or motto, and the words "Minnesota State Full Cream Cheese." Every brand issued shall be used upon the outside of the cheese, and also upon the package containing the same, and shall bear a different number for each separate manufactory, and the commissioner shall keep a book in which shall be registered the name, location, and number of each manufactory using the said brand, and the name or names of the persons at each manufactory authorized to use the same. It shall be unlawful to use or permit such stencil brand to be used upon any other than full cream cheese, or packages containing the same.

Cheese standard.

All cheese branded as "Minnesota State Full Cream Cheese" shall contain not less than forty-five per centum of fats to total solids, and all cheese purporting to be full cream cheese which contains less than forty-five per centum of fats to total solids, shall be deemed, for the purpose of this act, to be adulterated.

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[1] Circuit Court, D, (District Judge Lochren). Minnesota. September 21, 1899. "Oleomargarine is a lawful subject of commerce, and a State statute (Act Minn. April 19, 1899, § 16) which prohibits the sale of oleomargarine so colored as to resemble butter is unconstitutional and void in so far as it applies to a sale within the State of oleomargarine manufactured in another State, and imported by the agent of the manufacturer, and sold by him in the original and unbroken packages of importation, stamped and marked as required by the act of Congress of August 2, 1886, the product being composed of the materials described in said act as constituting lawful oleomargarine of commerce." (From *Federal Reporter*, November 21, 1899, p. 963.)

"Skim cheese;" label required.

SEC. 18. All cheese which contains less than forty-five per centum of fats to total solids is hereby declared to be "skim cheese," and it is hereby required and directed that the same shall be marked with a stencil or brand with the words "Skim Cheese," in plain black letters, not less than one and one-half inches in length and of proportionate width, upon the circumference of the cheese, and upon the outer surface of the box or package containing the same; and any dealer or trader who, by himself, or as the servant or agent of another person, has in his possession with intent to sell, offers or exposes for sale, or sells any skim cheese as hereinbefore defined, which is not stenciled or branded as hereinbefore required and directed, shall be deemed to be guilty of a misdemeanor, and shall be subject to the penalties provided in this act.

Sign to be displayed where it is sold.

Every dealer or trader who offers or exposes for sale or sells skim cheese as hereinbefore defined, shall cause to be kept continuously posted in a conspicuous position upon the walls of the room wherein such skim cheese is offered or exposed for sale or sold, cards upon the face of which is distinctly and legibly printed in the English language, and in letters of sufficient size to be visible from all parts of the room, the words "Skim Cheese Sold Here."

False brands or labels prohibited.

SEC. 19. No person, by himself or agent, shall sell or offer or expose for sale, or have in his possession with intent to sell, cheese branded or labeled with a false brand or label as to the quality of the article, or as to the county or State in which the article is made.

Notice of use of oleomargarine.

SEC. 20. Every proprietor, keeper, landlord, or steward of any hotel, restaurant, dining car, eating house, boarding house, or lumber camp, either public or private, who shall supply the guests or boarders of such hotel, restaurant, dining car, eating house, boarding house, or lumber camp with any oleaginous substance or substances or any compound of the same, or any other compound other than that produced from unadulterated milk, or of cream from the same, or any article designed to take the place of butter, shall cause to be plainly printed upon every bill of fare used in said hotel, restaurant, eating house, boarding house, or lumber camp, when such adulterated compound is used immediately under the title thereof and before the naming of any article of food thereon, in capital letters, no smaller than those known as nonpariel celtic, in the English language, the words "Oleomargarine (or butterine) used as a substitute for butter." In case no bill of fare is used in said hotel, restaurant, dining car, eating house, boarding house, or lumber camp, then the proprietor or keeper thereof shall cause to be posted upon each and every side of the dining room or eating room, in a position where the same can be seen from any part of said room, and in letters large enough to be distinctly seen and read from any part of said room, a card containing the words in the English language "Oleomargarine (or butterine) used as a substitute for butter," and shall keep the same continuously posted as aforesaid, so long as said compounds, or either of them, are kept and used. The provisions of this section shall not be construed as in any wise amending or invalidating any of the provisions of sections fifteen (15) or sixteen (16) of this act.

Statistical reports from creameries and cheese factories.

SEC. 21. The commissioner shall provide blanks which shall be furnished to all proprietors or managers of creameries and cheese factories within the State for the purpose of making a report of the amount of milk and dairy goods handled, and embodying such other statistical information as the commissioner may require, and all owners or managers of said creameries and cheese factories shall, on the first day of November of each year, send to the dairy and food commissioner a full and accurate report of the amount of business done during the year, including the statistical information required by said commissioner.

Seizure of unlawful products.

SEC. 22. It shall be the duty of said commissioner, assistant commissioners, inspectors, and agents at any and all times to seize and take possession of any and all food and dairy products, or substitutes therefor, or imitations thereof, kept for sale or for a purpose, or held in possession or under control, contrary to the provisions of this act, or other laws which now exist, or may be hereafter enacted. Such seizure may be had without a warrant and said commissioner, assistant commissioners, and all inspectors and agents appointed pursuant to law are hereby given full power and authority of constables. Any court having jurisdiction, upon receiving proof of probable cause for believing in the concealment of any food or dairy products or substitutes therefor, or imitations thereof, kept for sale or for a purpose, or had in possession or under control, contrary to the provisions of this act, or other laws which now exist or may be hereafter enacted, shall issue a search warrant and cause a search

to be made in any place therefor, and to that end may cause any building, enclosure, wagon, or car to be entered, and any apartment, chest, box, locker, tub, jar, crate, basket, or package to be broken open and the contents thereof examined.

Search warrants. SEC. 23. All such warrants shall be directed to said commissioner, or assistant commissioners, or any inspector or agent appointed pursuant to law, or the sheriff or constable, commanding such commissioner, assistant commissioners, inspector, agent, or officer to search the house or place where such food or dairy product or substitute therefor or imitation thereof for which he is required to search is believed to be concealed, which place and the property to be searched for shall be designated in the warrant, and to bring such food or dairy product, or substitutes therefor or imitations thereof, when found, and the person in whose possession the same is found, before the magistrate who issued the warrant, or before some other court or magistrate having jurisdiction of the case.

Disposition of seized goods. SEC. 24. When the officer in the execution of any search warrant issued under this act finds and seizes any food or dairy product, or substitute therefor or imitation thereof, all the property or things so seized shall be safely kept by the direction of the court or magistrate so long as is necessary for the purpose of being produced in evidence in any trial, and on such trial, it being found that such food or dairy product, or any substitute therefor or imitation thereof, is being kept for sale or for a purpose, or held in possession or under control, contrary to the provisions of this act, or other laws which now exist or may be hereafter enacted, the court shall, in addition to the other penalties prescribed by this act, order that said property be forfeited to the State of Minnesota, and shall order the same sold for any purpose other than to be used for food, and the proceeds thereof paid into the State treasury and placed to the credit of the State Dairy and Food Commissioner's fund. The Dairy and Food Commissioner, his agent or inspector is authorized to take samples from products seized for the purpose of analysis.

Effacement of marks, etc. SEC. 25. No person shall efface, erase, cancel, or remove any mark, statement, or label provided for by this act with the intent to mislead, deceive, or to violate any provisions of this act.

Unlawful sales; no action. SEC. 26. No action shall be maintained on account of any sale, or other contract made in violation of, or with intent to violate, any provisions of this act.

Evidence of violation. SEC. 27. The doing of anything prohibited, and the not doing of anything directed to be done by this act, shall be prima facie evidence of a willful intent to violate the different sections and provisions hereof.

SEC. 28. In all prosecutions arising under this act the certificate of the chemist making the analysis, when duly sworn to by such analyst, shall be prima facie evidence of the fact or facts therein certified.

Fees, fines, etc., go to commissioner's fund. SEC. 29. All moneys received from license fees, all fines collected for the violation of laws relating to food or dairy products, their imitations or substitutes, and the proceeds from all goods confiscated and sold under the provisions of this act and other laws relating to dairy or food products, their imitations or substitutes, shall be paid into the State treasury and placed to the credit of the Dairy and Food Commissioner's fund.

Penalty. SEC. 30. Whoever violates any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished for each offense by a fine of not less than twenty-five nor more than one hundred dollars, or by imprisonment of not less than thirty days, nor more than ninety days.

Repeal. SEC. 31. Chapter 11, General Laws of 1891, and all acts and parts of acts inconsistent with the provisions hereof are hereby repealed.

In effect. SEC. 32. This act shall take effect and be in force from and after its passage.

GENERAL LAWS 1899, Chapter 257.

AN ACT to prevent the use of chemical agents as preservatives in milk, cream, cheese, and butter. (Approved April 18, 1899.)

Use of preservatives prohibited. SECTION 1. Any person, firm, or corporation who shall sell, or offer for sale, or consign, or have in his pos-

session with intent to sell to any person or persons, any milk, cream, butter, cheese, or any other dairy products, or who shall deliver to any creamery or cheese factory, milk or cream to be manufactured into butter or cheese to which has been added any preparation in powdered or liquid form, known as preservatives, or any other compounds containing antiseptics, shall be deemed guilty of a misdemeanor, and upon conviction therefor be punished by a fine of not less than twenty-five nor more than one hundred dollars for each and every offense.

Penalty.

This shall not be construed to prohibit the use of salt in butter.

Commissioner to enforce. SEC. 2. The State Dairy and Food Commissioner and his assistants, experts, and chemists, by him appointed, shall be charged with the proper enforcement of all the provisions of this act.

Costs and fines. SEC. 3. In all prosecutions under this act the costs shall be paid in the manner now provided by law, and the fines resulting therefrom shall be paid into the State treasury and placed to the credit of the State Dairy and Food Commissioner's Fund.

In effect. SEC. 4. This act shall take effect and be in force from and after its passage.

GENERAL LAWS 1899, Chapter 94.

AN ACT to prevent fraud in the branding and sale of process and renovated butter. (Approved March 23, 1899.

Butter from melted packing stock, etc., to be branded. SECTION 1. No person, firm, corporation, agent, or employe shall manufacture, sell, offer or expose for sale, in this State, any butter that is produced by taking original packing stock butter, or other butter, or both, and melting the same so that the butter fat can be drawn off or extracted, then mixing the said butter fat with skimmed milk, or milk, or cream, or other milk product, and rechurning or reworking the said mixture, or that produced by any process that is commonly known as boiled, process or renovated butter, unless the same is branded or marked as provided in section 2 of this act.

"Renovated butter." SEC. 2. No person, firm, corporation, agent, or employe shall sell, offer or expose for sale, or deliver to purchaser, any boiled, process or renovated butter, as defined in section 1 of this act, unless the words "Renovated Butter" shall be plainly branded with Gothic or bold-faced letters at least three-fourths of an inch in length, on the top and sides of each tub or box or pail, or other kind of a case or package, or on the wrapper of prints or rolls in which it is put up. If such butter is exposed for sale uncovered, or not in a case or package, a placard containing the label so printed shall be attached to the mass of butter in such manner as to easily be seen and read by the purchaser.

Placard.

The branding or marking of all packages shall be in the English language, and in a conspicuous place, so as to be easily seen and read by the purchaser.

Commissioner shall enforce. SEC. 3. The State Dairy and Food Commissioner and his assistants, experts, and chemists, by him appointed, shall be charged with the proper enforcement of all the provisions of this act. When complaint is made by the said Dairy and Food Commissioner, his assistants, employes, and chemists, or by any other person authorized by the said Dairy and Food Commissioner, security for costs shall not be required of the complainant in any case at any stage of the prosecution on trial.

Penalty. SEC. 4. Whoever violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall for each offense, upon conviction thereof, be subject to a fine of not less than twenty-five dollars, nor more than fifty dollars and costs, or by imprisonment not to exceed two months.

Authority to inspect. SEC. 5. The said commissioner and his assistants, experts, chemists and agents, he shall duly authorize for the purpose, shall have access and ingress to all places of business, factories, stores, and buildings used for the manufacture or sale of butter. They also shall have power and authority to open any tub, box, pail, or other kind of case or package, containing any butter that may be manufactured, sold, or exposed for sale, in violation of the provisions of this act.

In effect. SEC. 6. This act shall take effect and be in force from and after its passage.

PROVISION OF THE PENAL CODE.

SEC. 331 (section 6625, Statutes 1894). A person who either—

Adulteration of food or drink. 1. With intent that the same may be sold as unadulterated or undiluted, adulterates or dilutes wine, milk, distilled spirits, or malt liquor, or any drug, medicine, food, or drink, for man or beast; or,

Sale of adulterated food or drink. 2. Knowing that the same has been adulterated or diluted, offers for sale or sells the same as unadulterated or undiluted, or without disclosing or informing the purchaser that the same has been adulterated or diluted, in a case where special provision has not been otherwise made by statute for the punishment of the offense,

Misdemeanor. —Is guilty of a misdemeanor.

MISSISSIPPI.

See Fourteenth Annual Report of the Bureau of Animal Industry, pages 623 and 624, for—

Laws of 1882, chapter 50 (sections 1–3).—An act to regulate the sale of oleomargarine and to promote the public health. (Approved March 9, 1882.)

Privilege taxes and other revenue laws in force 1898, chapter 5 (one section).—An act creating privilege taxes on certain industries in Mississippi, and repealing all laws in conflict with same.

Annotated Code of 1892, section 1187 (2912).—Concerning the treatment of the cow of another.

MISSOURI.

See Fourteenth Annual Report of the Bureau of Animal Industry, pages 624–627, for—

Laws of 1891, page 163 (sections 1 and 2).—An act to empower cities and towns, by ordinance, to license and regulate milk dairies and the sale of milk, and provide for the inspection thereof, and to repeal an act entitled "An act to prevent the adulteration of milk and cream in all cities that now have or may hereafter have a population of three hundred thousand inhabitants or over," approved June 14, 1889. (Approved April 18, 1891.)

Laws of 1897, page 104 (sections 1–8).—An act requiring the branding or labeling of skim-milk cheese when offered for sale. (Approved March 24, 1897.)

Revised Statutes of 1889, sections 3885 and 3886 (Revised Statutes 1899, sections 2276 and 2277).—Concerning butter and cheese substitutes.

Laws of 1895, page 26 (sections 1–12).[1]—An act prohibiting the coloring yellow of any substance designed to be used as a substitute for butter; to prohibit the manufacture, sale, keeping for sale, and fraudulent use of substances designed as imitation butter; to regulate the manufacture, sale, and keeping for sale of any substance designed to be used as a substitute for butter, and making an appropriation for carrying out the provisions of this act. (Approved April 19, 1895.)

MONTANA.

See Fourteenth Annual Report of the Bureau of Animal Industry, pages 627 and 628, for—

Codes and Statutes, Penal Code, 1895, sections 684–686 and 1095, and Political Code, section 4064.—Concerning substitutes for butter and cheese, and care of cows.

NEBRASKA.

See Fourteenth Annual Report of the Bureau of Animal Industry, pages 628–632, for—

Compiled Statutes, 1897, part 3, chapter 22, 6898 (section 234).—Concerning impure milk.

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[1] Appropriation for enforcing this act in years 1899 and 1900, $5,000.

Compiled Statutes, 1897, part 3, chapter 23, 6927–6940 (sections 245k–249n).—Concerning impure milk and imitations of butter and cheese.

General Laws of 1897, chapter 99 (sections 1–5).—An act to provide against the adulteration of food, prohibiting the sale, or offering for sale, of adulterated food and providing a penalty for the violation thereof. (Approved April 12, 1897.)

Recently enacted:

LAWS OF 1899, Chapter 35.[1]

AN ACT creating a Food Commission; defining its powers and duties and of the officers and agents thereof; regulating the manufacture and sale of foods including "imitation butter" and "imitation cheese" and dairy products; providing for a system of reports, inspection and permits and fixing fees for the same; providing penalties for violations of this act; making an annual appropriation for carrying this act into effect; and repealing all acts and parts of acts in conflict herewith. (Approved April 3, 1899.)

Food commission; office. SECTION 1. There is hereby created a Food Commission with headquarters at the Capitol, for which office-room, stationery, postage, expressage, printing, and other usual facilities for transacting business shall be furnished, the same as for other executive departments.

Governor is commissioner and appoints deputy; salary. SEC. 2. The Governor of this state is hereby made the Food Commissioner of said Commission. Said Food Commissioner shall have the power to appoint a Deputy Food Commissioner at a salary of Fifteen Hundred Dollars ($1500.00) per annum, payable monthly, together with his expenses actually and necessarily incurred in discharging the duties of his office.

Duties and authority. It is further provided that a complete and itemized account of all expenses shall be kept by said Deputy Food Commissioner and filed monthly with the Auditor of Public Accounts after being duly verified by him.

Said Deputy Food Commissioner shall hold his office at the pleasure of the Governor, and when acting for and instead of said Food Commissioner, shall and may exercise equal power and authority subject to the approval of said Food Commissioner.

Qualifications. The Deputy Food Commissioner so appointed shall be a person of recognized standing, experience, ability and knowledge in and concerning dairy and other food products.

Bond of deputy. SEC. 3. The said Deputy Food Commissioner shall, before entering upon the discharge of his duties, give a bond in the sum of Three Thousand ($3,000) Dollars with sureties as provided by law, to be approved by the Governor and conditioned for the faithful discharge of his duties and the accounting for all money and other property that may come into his hands by virtue of his office.

Clerk. The said Deputy Food Commissioner may employ a clerk, if found necessary, whose salary shall not exceed Seventy-five Dollars ($75) per month.

Annual report. The said Deputy Food Commissioner shall make an annual report to the Governor, same as other State officers, on or before the first day of November, of each year, giving in a concise manner, in said report, a full statement of the condition of the food and dairy interests of the State, and making such recommendations as he may deem best to improve the same, including receipts and disbursements of his office; and such report shall be printed and published and distributed same as reports of other State officers.

Duty of commission. SEC. 4. The said Food Commission, through its duly accredited officers, shall be charged with the enforcement of this act and all other acts and laws heretofore passed, or that may hereafter be passed, concerning butter, cheese, "imitation butter," "imitation cheese," milk and cream, vinegar, cider, and all laws concerning dairy products, cider or vinegar, or any imitation or adulteration thereof.

Control of milk tests and standards. The said Food Commissioner shall have control over the subject of testing milk and cream in the State of Nebraska, on the farm, in the factory, skimming station, milk or cream depot, milk or cream wagon, or any other place where milk or cream is bought or sold, and may make such regulations concerning the subject of testing milk and

[1] Practical operations under this act have been nullified, as the salary of the deputy commissioner can not be paid, because the act contravenes a section in the constitution providing that bills making appropriations for salaries shall contain no provisions on other subjects.

cream as he may deem reasonable and just, and shall have power to establish a minimum standard of butter fat in milk and cream.

Authority for inspections. The said Food Commission and its duly accredited officers, such as shall be duly authorized for the purpose, shall have full access, ingress, and egress to all creameries, cheese factories, skimming stations, cider manufactories, vinegar manufactories, farms, buildings, carriages, cars, vessels, packages, or cans, used in the manufacture or sale of any dairy product, cider or vinegar, or any imitation thereof. They shall also have power and authority to open any package, can, or vessel containing such dairy product, cider or vinegar, or any imitation or adulteration thereof which they may have reason to believe may be manufactured, sold, or exposed for sale in violation of the provisions of this act or other acts in relation thereto, and may inspect the contents therein, and may take therefrom samples for analysis, and have the same analyzed by a competent chemist, for which the chemist shall be allowed a reasonable fee not to exceed Five Dollars ($5.00) for each analysis, and the findings of such chemist shall be taken prima facie evidence in court, and in all prosecutions under this act when such analysis has been made and given in evidence, the said fees and expenses of the chemist making the same, shall be taxed as costs in the case, the same as other costs are taxed. All persons knowingly violating this act shall be dealt with as provided in this act.

Analyses of samples.

Penalty.

Imitation butter and cheese, reports on wholesale sales. SEC. 5. Every person, firm, or corporation in this State manufacturing or dealing, excepting retailer in "imitation butter" or "imitation cheese" or both, shall, on or before the tenth day of each month, on blanks provided by said Food Commissioner, make a report in writing to said Food Commissioner, showing the amount of "imitation butter" or "imitation cheese" or both, sold by them during the preceding month, size of packages used, to whom and when sold, business location of the purchaser, amount of "imitation butter" or "imitation cheese" or both on hand at the close of the month's business, and such other items and facts as may be required by said Food Commissioner, verifying the same under oath and specifying particularly that they have complied with all the State laws in regard to such "imitation butter" or "imitation cheese" or both, as the case may be: *Provided*, That the retailer shall not be required to state to whom sold nor location of purchaser.

Retailers not required to report.

Definitions. SEC. 6. Every person, firm, or corporation who in any manner produces "imitation butter" or "imitation cheese" or both, as the same is now defined, or may hereafter be defined in the statutes of this State, shall be considered a manufacturer of "imitation butter" or "imitation cheese" or both.

Manufacturers of imitations.

Wholesale dealer in imitations. Every person, firm, or corporation who sells or offers for sale or has in his possession for sale "imitation butter" or "imitation cheese" or both, as the same is now defined in the statutes of this State, or hereafter may be defined, in packages containing ten pounds or more, shall be deemed a wholesale dealer in "imitation butter" or "imitation cheese" or both, as the case may be.

Retail dealer in imitations. Every person, firm, or corporation who sells or offers for sale or has in his possession for sale "imitation butter" or "imitation cheese" or both, as the same is now defined or may hereafter be defined in the statutes of this State, in packages containing less than ten pounds each, shall be deemed a retail dealer in "imitation butter" or "imitation cheese" or both.

Manufacturer of ladle butter. Every person, firm, or corporation buying, reworking, and handling the product commonly known and called "store" or "dairy" butter, and making out of the same what is generally known and termed "ladle" or "factory" butter, shall be deemed a manufacturer of "ladle" butter.

Wholesale dealer in butter and cheese. Every person, firm, or corporation buying and selling butter and cheese or both, in original packages not of his own production, whether on commission or otherwise, shall be deemed a wholesale dealer in butter or cheese or both, as the case may be.

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Creamery. For the purposes of this act, a creamery shall be defined as "factory where cream from milk with or without the addition of salt and coloring matter is churned into butter."

Cheese factory. A cheese factory shall be defined as "a factory where milk with or without the addition of salt, rennet, and coloring matter, is manufactured into cheese."

Skimming station. A "skimming station" shall be defined as "a place where milk, from not less than five patrons, is skimmed by machinery and the cream resulting therefrom is taken to a creamery to be churned."

Permit necessary to make or sell imitations. SEC. 7. It shall be unlawful for any manufacturer, wholesale or retail dealer in "imitation butter" or "imitation cheese" or both, to enter upon or engage in the business of producing, manufacturing, handling, or having in his possession for sale, or selling "imitation butter" or "imitation cheese" or both, without first procuring from said Food Commissioner an annual permit, said permit describing the occupation and place of business of the person, firm, or corporation receiving the same, and conditioned on a faithful observance of the laws of the State by him.

Some manufacturers excepted. *Provided*, That any manufacturer of "imitation butter" or "imitation cheese" or both, who sells only "imitation butter" or "imitation cheese" or both, of his own production at the place of manufacture in the original packages shall not be required to take out a permit as a wholesaler.

Permit required to make ladle butter or to make or sell butter or cheese. It shall be unlawful for any person, firm, or corporation to manufacture "ladle" butter or to carry on the business of manufacturing "ladle" butter or to carry on business as a wholesale dealer in butter or cheese or both * * * or to operate any creamery or cheese factory or skimming station, or to do any business in producing, manufacturing, handling, or selling the product so made, without first procuring from said Food Commissioner an annual permit, said permit describing the occupation and place of business of the person, firm, or corporation receiving the same and conditioned on a faithful observance of the laws of the State by him.

Applications for permits. All applications for permits under this act shall be in writing addressed to the said Food Commissioner, verified by the applicant, stating that after this act shall become a law he has not violated any of the provisions of this act.

Authority for inspections. It is further provided that the said Food Commission through its accredited officers shall have the right at any and all times to inspect the premises, methods, and processes of any creamery, cheese factory, skimming station, station, manufacturer of ladle butter, wholesale dealer in butter or cheese or both, * * * manufacturer of "imitation butter" or "imitation cheese" or both, who esale dealer or retail dealer in "imitation butter" or "imitation cheese" or both, within this State, within the provisions of this act or other acts relating to dairy products, cider or vinegar, or any imitation or adulteration thereof.

Charge for permits and inspections. SEC. 8. For said permits and the services performed in connection therewith, including the inspection as provided by this act, there shall be charged and collected annually as follows: From each manufacturer of "imitation butter" or "imitation cheese" the sum of One Hundred Dollars ($100.00); from each wholesale dealer in "imitation butter" or "imitation cheese," Fifty Dollars ($50.00); from each retail dealer in "imitation butter" or "imitation cheese," Twenty-five Dollars ($25.00); * * * from each creamery, Ten Dollars ($10.00); from each cheese factory, Ten Dollars ($10.00); from each skimming station, One Dollar ($1.00); from each manufacturer of "ladle" butter, Fifteen Dollars ($15.00); and from each wholesale dealer in butter or cheese, Ten Dollars ($10.00), payable in each and every case into the Treasury of the State of Nebraska, as provided by law, in advance of the issuance of said permit.

Revocation of permit for violation. SEC. 9. If any person, firm, or corporation to whom such permit has been issued shall be convicted of a wilful violation of any of the provisions of this act, such conviction shall thereupon "ipso facto" work a revocation of such permit and the same shall hereafter be held and deemed null and void.

County attorneys to prosecute. SEC. 10. It shall be the duty of all county attorneys on request of the Food Commissioner to represent and prosecute, on behalf of the State within their respective counties, all offenses arising under the provisions of this act.

Penalty. SEC. 11. Any person, firm, or corporation violating any provision of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished for each offense by a fine of not less than Ten Dollars ($10.00) nor more than One Hundred Dollars ($100.00), in the discretion of the court. It is further provided that each day's failure in taking out the permit described above, shall constitute in each of the above cases a separate and distinct offense.

Appropriation. SEC. 12. There is hereby annually appropriated out of the funds of the State not otherwise appropriated, for the purpose of carrying into effect the provisions of this act, the sum of Five Thousand Dollars ($5,000.00): *Provided*, That the amount paid out shall in no case exceed the amount received by the State, as provided for in this act.

Repeal. SEC. 13. All acts and parts of acts in conflict herewith are hereby repealed.

NEVADA.

See Fourteenth Annual Report of the Bureau of Animal Industry, pages 632 and 633, for—

General Statutes, 1885 (Baily and Hammond), 4801–4805 (sections 1–5).—An act to prevent the adulteration of milk and to prevent traffic in impure and unwholesome milk. (Approved February 17, 1879. 36.)

General Statutes, 1885 (Baily and Hammond), 4806–4809 (sections 1–4), Supplement.—Concerning milk inspector. (Approved February 26, 1881. 79.)

General Statutes, 1885 (Baily and Hammond), 4810–4812 (sections 1–3).—An act to punish and prevent deception in the manufacture and sale of butter. (Approved February 4, 1881. 24.)

NEW HAMPSHIRE.

See Fourteenth Annual Report of the Bureau of Animal Industry, pages 633–636, for—

Public Statutes, 1891, chapter 127 (sections 1–24).—Concerning milk inspectors, licenses, milk standards, etc.

Laws of 1893, chapter 37 (sections 1 and 2).—An act in amendment of chapter 127 of the Public Statutes relating to the sale of adulterated butter, oleomargarine, and imitation cheese. (Approved March 23, 1893.)

Laws of 1895, chapter 115 (sections 1–4).—An act in amendment of chapter 127 of the Public Statutes relating to the sale of adulterated butter, oleomargarine, and imitation cheese. (Approved March 29, 1895.)

Recently enacted:

LAWS OF 1899, Chapter 58.

AN ACT providing additional duties for the State Board of Agriculture. (Approved March 9, 1899.)

State board of agriculture shall enforce. SECTION 1. It shall be the duty of the State board of agriculture to cause the provisions of chapter 115 of the laws of 1895 relating "to the sale of adulterated butter, oleomargarine, and imitation cheese," to be enforced.

NEW JERSEY.

See Fourteenth Annual Report of the Bureau of Animal Industry, pages 636–650, for—

Public Laws of 1865, chapter 275 (section 1). (=General Statutes, 1895, Dairy, section 3).—An act to protect butter and cheese manufacturers. (Approved March 23, 1865.)

Public Laws of 1882, chapter 82 (sections 1–11). (=General Statutes, 1895, Dairy, sections 33–43).—An act to prevent the adulteration and to regulate the sale of milk. (Approved March 14, 1882.)

Public Laws of 1884, chapter 90 (sections 1-5). (=General Statutes, 1895, Dairy, sections 44-48.)—Supplement.—Concerning trial by jury. (Approved April 2, 1884.)

Public Laws of 1886, chapter 186 (1 section.) (=General Statutes, 1895, Dairy, section 49.)—Supplement.—Concerning dairy commissioner. (Approved February 20, 1886.)

Public Laws of 1887, chapter 2 (1 section). (=General Statutes, 1895, Dairy, section 50.)—Supplement.—Concerning milk analysis. (Approved February 24, 1887.)

Public Laws of 1888, page 461 (section 2) (=General Statutes, 1895, Agriculture, section 81).—An act to provide for the construction of a State laboratory for the State Agricultural Experiment Station. (Approved April 23, 1888.)

Public Laws of 1891, chapter 210 (sections 1-4) (=General Statutes, 1895, Dairy, sections 51-54). Supplement.—Concerning milk testing. (Approved April 14, 1891.)

Public Laws of 1883, chapter 185 (sections 1 and 2) (=General Statutes, 1895, Dairy, sections 65 and 66).—An act to prohibit the sale of adulterated and skimmed milk in cities of this State. (Approved March 23, 1883.)

Public Laws of 1883, chapter 68 (sections 1-10) (=General Statutes, 1895, Dairy, sections 55-64).—An act for the protection of producers and shippers of milk. (Approved March 8, 1883.)

Public Laws of 1891, chapter 257 (sections 1-7) (=General Statutes, 1895, Dairy, sections 67-73).—An act in relation to milk cans. (Approved April 16, 1891.)

Public Laws of 1864, chapter 370 (sections 1 and 2) (=General Statutes, 1895, Dairy, sections 1 and 2).—An act to regulate the tare of butter and cheese firkins, tubs, and vessels. (Approved April 7, 1864.)

Public Laws of 1886, chapter 84 (sections 1-20) (=General Statutes, 1895, Dairy, sections 4-22).—An act to prevent deception in the sale of oleomargarine, butterine, or any imitation of dairy products, and to preserve the public health. (Approved March 22, 1886.)

Public Laws of 1887, chapter 149 (sections 1-6) (=General Statutes, 1895, Dairy, sections 23-28). Supplement.—Concerning oleomargarine and additional duties of dairy commissioner. (Approved April 21, 1887.)

Public Laws of 1895, chapter 332 (sections 1 and 2) (=General Statutes, 1895, Dairy, sections 29 and 30). Supplement.—Concerning imitation butter. (Approved March 25, 1895.)

Public Laws of 1895, chapter 418 (sections 1 and 2) (=General Statutes, 1895, Dairy, sections 31 and 32).—An act relative to the dairy commissioner. (Approved June 13, 1895.)

Public Laws of 1893, chapter 207 (sections 1-4) (=General Statutes, 1895, animals, sections 113-115).—Supplement to an act entitled "An act concerning contagious and infectious diseases among animals, and to repeal certain acts relating thereto," approved April 4, 1886. (Approved March 16, 1893.)

Public Laws of 1881, page 283 (sections 1-8) (=General Statutes, 1895, Dairy, sections 74-81).—An act to prevent the adulteration of food or drugs. (Approved March 25, 1881.)

Public Laws of 1883, page 185 (sections 1-10) (=General Statutes, 1895, Dairy, sections 82-90). Supplement.—Concerning adulterated food and inspectors. (Approved March 23, 1883.) [Section 7 of this act is repealed by section 2 of Public Laws of 1895, chapter 418] (=General Statutes, 1895, Dairy, sections 31 and 32.)

Public Laws of 1897, supplement to chapter 93 (sections 1 and 2).—Concerning food samples. (Approved April 8, 1897.)

Public Laws of 1887, chapter 126, page 160 (sections 1 and 2) (=General Statutes 1895, Dairy, section 91). Supplement.—Concerning enforcement of the law. (Approved April 11, 1887.)

Additional:

LAWS OF 1894, Chapter 317.

SUPPLEMENT to an act entitled "An act concerning contagious and infectious disease among animals and to repeal certain acts relating thereto," approved May fourth, one thousand eight hundred and eighty-six. (Approved May 22d, 1894.)

Investigation of tuberculosis by a commission.

SECTION 1. That the president of the State board of agriculture shall appoint five persons citizens and taxpayers of this State, who, together with himself and the secretary of the State board of agriculture, shall constitute a commission who shall, at the request of two members of the State board of health or the State dairy commissioner or any owner of suspected animals investigate the existence of tuberculosis, or cause the same to be investigated, and if any such disease is found to exist, to enforce such regulations in relation to the same as the said commission may adopt.

Regulations.

Payment for condemned animals.

SEC. 2. That when any animal or animals shall be slaughtered by direction of said commission, the value of the same shall be ascertained and appraised by three disinterested freeholders, resident in this State, who shall make and sign certificates thereof in the presence of a witness who shall attest the same; such appraisement shall be made on the basis of the market value of the animal or animals slaughtered, just prior to the time when they became so diseased, and shall be limited to the sum of one hundred dollars for registered animals and to forty dollars to all others; one-half of the valuation so ascertained shall be paid by the State on the presentation of such certificate, with the approval of the said commission indorsed thereon, to the owner or owners.

Annual report.

SEC. 3. That it shall be the duty of said commission to keep a full and complete record of all their proceedings under this act, and report the same annually to the State board of agriculture, and such a report shall be printed in and form a part of the annual report of the State board of agriculture.

Appropriation.

SEC. 4. That the sum of five thousand dollars is hereby annually appropriated to said commission to defray its expenses and the value of the cattle to be slaughtered by its direction: *Provided*, That no other compensation shall be allowed said commission than the expenses actually incurred in the execution of the duties hereby imposed.

Payment of bills.

SEC. 5. That all bills for money expended under this act shall be audited by the comptroller of this State and then submitted to the governor for his approval, and after being thus audited and approved by the governor shall be paid by the State treasurer upon the warrant of the comptroller.

In effect.

SEC. 6. That this act shall be deemed a public act and shall take effect immediately.

NEW MEXICO.

See Fourteenth Annual Report of the Bureau of Animal Industry, pages 650–652, for—

Compiled Laws of 1897, sections 1244, 1246, and 1248–1257.—Concerning foods and drugs.

Compiled Laws of 1897, title 28, chapter 2, section 2402.—Concerning sales and inspection of provisions.

NEW YORK.

See Fourteenth Annual Report of the Bureau of Animal Industry, pages 652–658, for—

Laws of 1893, chapter 338 (chapter 33 of the General Laws, article 1, sections 1–12, and article 2, sections 20–37).—An act in relation to agriculture, constituting articles 1, 2, 3, 4, and 5 of chapter 33 of the General Laws. (Approved April 10, 1893.)

Sections recently amended and added:

Samples, after mixing, to be in duplicate.

SEC. 12 (as amended by section 1 of chapter 557 of the laws of 1898). When the commissioner of agriculture, an assistant commissioner, or any person or officer author-

ized by the commissioner, or by this chapter, to examine or inspect any product manufactured or offered for sale shall in discharge of his duties take samples of such product, he shall, before taking a sample, request the person delivering the milk or who has charge of it at the time of inspection, to thoroughly stir or mix the said milk before the sample is taken. If the person so in charge refuses to stir or mix the milk as requested, then the person so requesting shall himself so stir and mix the milk before taking the sample, and the defendant shall thereafter be precluded from introducing evidence to show that the milk so taken was not a fair sample of the milk delivered, sold, offered or exposed for sale by him. The person taking the sample of milk for analysis shall take duplicate samples thereof in the presence of at least one witness, and he shall in the presence of such witness seal both of such samples, and shall tender, and, if accepted, deliver at the time of taking one sample to the manufacturer or vendor of such product, or to the person having custody of the same, with a statement in writing of the cause of the taking of the sample. In taking samples of milk for analysis at a creamery, factory, platform, or other place where the same is delivered by the producer for manufacture, sale, or shipment, or from a milk vendor who produces the milk which he sells, with a view of prosecuting the producer of such milk for delivering, selling, or offering for sale adulterated milk, the said commissioner of agriculture or assistant, or his agent or agents, shall within ten days thereafter, with the consent of the said producer, take a sample in a like manner of the mixed milk of the herd of cows from which the milk first sampled was drawn and shall deliver the duplicate sample to the said producer and shall cause the sample taken by himself or his agent to be analyzed. If the sample of milk last taken by the commissioner of agriculture or his agent or agents shall upon analysis prove to contain no higher percentage of milk solids, or no higher percentage of fat than as the sample taken at the creamery, factory, platform, or other place, then no action shall lie against the said producer for violation of subdivisions one, two, three, seven, and eight of section twenty of the agricultural law. In taking a second sample as above set forth from the mixed milk of the herd, it shall be the duty of the commissioner of agriculture to have an assistant, agent, or agents present during the entire time in which the said cattle are being milked to observe closely so as to be sure that the milk thus to be sampled is not adulterated and to see that it is thoroughly mixed so that the sample taken shall be a fair sample of the average quality of the mixed milk of the entire dairy or herd of cows of said producer. If, however, the said producer refuses to allow such examination of the milk produced by his dairy, then he shall be precluded from offering any evidence whatever tending to show that the milk delivered by him at the said creamery, factory, platform, or other place was just as it came from the cow. If the said producer does permit such examination, the commissioner of agriculture shall, upon receiving application therefor, send to said producer a copy of the analysis of each of the samples of milk so taken and analyzed as above provided.

Later sample for comparison.

Imitations not to be sold as butter or cheese.

SEC. 27 (as amended by section 1 of chapter 149 of the laws of 1899). No person shall manufacture, mix, or compound with or add to natural milk, cream, or butter any animal fats or animal or vegetable oils, nor make or manufacture any oleaginous substance not produced from milk or cream, with intent to sell the same as butter or cheese made from unadulterated milk or cream or have the same in his possession with such intent; nor shall any person solicit or take orders for the same or offer the same for sale, nor shall any such article or substance or compound so made or produced be sold as and for butter or cheese, the product of the dairy.

Coloring oleomargarine, etc., prohibited.

No person shall coat, powder, or color with annotto or any coloring matter whatever butterine or oleomargarine or any compound of the same or any product or manufacture made in whole or in part from animal fats or animal or vegetable oils not produced from unadulterated milk or cream by means of which such product, manufacture, or compound shall resemble butter or cheese, the product of the dairy; nor shall he have the same in his possession with intent to sell the same nor shall he sell or offer to sell the same. No person by himself, his agents, or employes shall manufacture, sell, offer or expose for sale butter that is produced by taking original packing stock or other butter or both and melting the same, so that the butter fat can be drawn off, then mixing the said butter fat with skimmed milk or milk or cream or other milk product and rechurning the said mixture, or that is produced by any similar process and is commonly known as boiled or process butter, unless he shall plainly brand or mark

Butter from original packing stock, etc., to be labeled "Renovated butter."

the package or tub or wrapper in which the same is put up in a conspicuous place with the words "renovated butter." If the same shall be put up, sold, offered or exposed for sale in prints or rolls, then the said prints or rolls shall be labeled plainly with printed letters in a conspicuous place on the wrapper with the words "renovated butter." If the same is packed in tubs or boxes or pails or other kind of a case or package, the words "renovated butter" shall be printed on the top and side of the same in letters, at least one inch in length, so as to be plainly seen by the purchaser. If such butter is exposed for sale, uncovered, not in a package or case, a placard containing the label so printed shall be attached to the mass of butter in such manner as to easily be seen and read by the purchaser. No person shall sell, offer or expose for sale, any butter or other dairy product containing a preservative, but this shall not be construed to prohibit the use of salt in butter or cheese, or spiritous liquors in club or other fancy cheese or sugar in condensed milk.

Preservatives prohibited.

Manufacture, sale, and use of poisonous coloring matter prohibited.

SEC. 29a (as added by section 1 of chapter 518 of the laws of 1899). No person or persons shall manufacture, sell or expose for sale any poisonous coloring matter for the coloring of food products of any kind, nor shall any person or persons use any poisonous coloring matter manufactured, sold, offered or exposed for sale within this State; nor shall any person or persons sell, offer or expose for sale any food product containing such poisonous coloring matter. The State board of health shall cause samples of coloring matter that are exposed for sale upon the market for use in food products to be analyzed and report the results of such analysis to the legislature at the next session.

Analysis.

Brands for full-milk cheese.

SEC. 33 (as amended by section 1 of chapter 559 of the laws of 1898). Every manufacturer of full-milk cheese may put a brand upon each cheese indicating "full-milk cheese," and the date of the month and year when made; and no person shall use such a brand upon any cheese made from milk from which any of the cream has been taken. The commissioner of agriculture shall procure and issue to the cheese manufacturers of the State, on proper application therefor, and under such regulations as to the custody and use thereof as he may prescribe, a uniform stencil brand, bearing a suitable device or motto, and the words, "New York State full-cream cheese." Every such brand shall be used upon the outside of the cheese and shall bear a different number for each separate factory. The commissioner shall keep a book, in which shall be registered the name, location, and number of each manufactory using the brand and the name or names of the persons at each manufactory authorized to use the same. No such brand shall be used upon any other than full-cream cheese or packages containing the same.

Penalties and violations.

SEC. 37 (as amended by section 1 of chapter 554 of the laws of 1897, and by chapter 558 of the laws of 1898, and by section 1 of chapter 435 of the laws of 1899). Every person violating any of the provisions of articles two and three and sections ninety-one and ninety-two of the agricultural law and chapter four hundred and ninety-one of the laws of eighteen hundred and ninety-eight, shall forfeit to the people of the State of New York a sum not less than twenty-five dollars nor more than one hundred dollars for every such violation. When such violation consists of the manufacture or production of any prohibited article, each day during which or any part of which such manufacture or production is carried on or continued, shall be deemed a separate violation of the provisions of this article. When the violation consists of the sale, or the offering or exposing for sale or exchange, of any prohibited article or substance, the sale of each one of several packages shall constitute a separate violation, and each day on which any such article or substance is offered or exposed, for sale or exchange, shall constitute a separate violation of this article. When the use of any such article or substance is prohibited, each day during which or any part of which said article or substance is so used or furnished for use, shall constitute a separate violation, and the furnishing of the same for use to each person to whom the same may be furnished shall constitute a separate violation. Whoever by himself or another violates any of the provisions of articles two and three and sections ninety-one and ninety-two of the agricultural law shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars, nor more than two hundred dollars, or by imprisonment of not less than one month nor more than six months or by both such fine and imprisonment, for the first offense; and by six months' imprisonment for the second offense.

NORTH CAROLINA.

See Fourteenth Annual Report of the Bureau of Animal Industry, pages 658 and 659, for—

Public Laws of 1895, chapter 106 (sections 1–6).—An act defining butter and to regulate the sale thereof. (Ratified February 28, 1895.)

[Public Laws of 1895, chapter 122, was repealed by section 12 of the following.]

Recently enacted:

PUBLIC LAWS OF 1899, Chapter 86.

AN ACT to prevent the sale of adulterated and unbranded food, and to amend and make more effective the provisions of Chapter 122, Laws of 1895. (Ratified Feb 13, 1899.)

Board of Agriculture to have foods, beverages, and condiments examined and publish results.

SECTION 1. That for the purpose of protecting the people of the State from imposition by the adulteration and misbranding of articles of food, the Board of Agriculture shall cause to be procured from time to time, and under rules and regulations to be prescribed by them, in accordance with section nine of this act, samples of food, beverages, and condiments offered for sale in the State, and shall cause the same to be analyzed or examined microscopically or otherwise by the chemists or other experts of the Department of Agriculture. The Board of Agriculture is hereby authorized to make such publications of the results of the examinations, analyses, and so forth as they may deem proper.

Adulterated foods prohibited.

SEC. 2. That no person, by himself or agent, shall knowingly manufacture, sell, expose for sale, or have in his possession with intent to sell, any article of food which is adulterated or misbranded within the meaning of this act; and any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and for such offense

Penalty.

shall be fined not exceeding two hundred dollars for the first offense, and for each subsequent offense not exceeding three hundred dollars or be imprisoned not exceeding one year, or both, in the discretion of the Court;

Disposition of fines.

and such fines, less legal costs and charges, shall be paid into the treasury of the State for the benefit of the Department of Agriculture, to be used exclusively in executing the provisions of this act.

Chemists of Department of Agriculture to make examinations.

SEC. 3. That the chemists or other experts of the Department of Agriculture shall make, under rules and regulations prescribed by the Board of Agriculture, examinations of specimens of food, beverages, and condiments offered for sale in North Carolina which may be collected from time to time under their directions in various parts of the State. If it shall appear from such examination that any of the provisions of this act have been violated, the Commissioner of Agriculture shall at once certify the facts to the proper solicitor, and furnish that officer a copy of the result of the analysis duly authenticated by the analyst under oath.

Solicitors shall prosecute.

SEC. 4. That it shall be the duty of every solicitor to whom the Commissioner of Agriculture shall report any violation of this act, to cause proceedings to be commenced and prosecuted without delay for the fines and penalties in such cases provided.

"Food" and "misbranded" defined.

SEC. 5. That the term "food" as used herein shall include all articles used for food—candy, condiment, or drink, by man or domestic animals, whether simple, mixed, or compound. The term "misbranded" as herein used shall include all articles of food or articles which enter into the composition of food, the package or label of which shall bear any statement purporting to name any ingredients or substances as being contained or not being contained in such article, which statement shall be false in any particular.

Adulteration defined.

SEC. 6. That for the purpose of this act an article of food shall be deemed adulterated—

First. If any substance or substances has or have been mixed or packed with it, so as to reduce or lower or injuriously affect its quality or strength so that such product when offered for sale shall deceive or tend to deceive the purchaser.

Second. If any inferior substance or substances has or have been substituted wholly or in part for the article so that the product when sold shall deceive or tend to deceive the purchaser.

Third. If any valuable constituent of the article has been wholly or in part abstracted so that the product when sold shall deceive or tend to deceive the purchaser.

Fourth. If it be an imitation of, and sold under the specific name of, another article.

Fifth. If it be mixed, colored, powdered, coated, polished, or stained in a manner whereby damage or inferiority is concealed, so that such product when sold shall deceive or tend to deceive the purchaser.

Sixth. If it contain any added poisonous ingredient or any ingredient which may render such article injurious to the health of the person consuming it.

Seventh. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when branded so, or in an imitation either in package or label of an established proprietary product, which has been trade-marked or patented.

Eighth. If it consists of the whole or any part of a diseased, filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal or of an animal that has died otherwise than by slaughter.

Ninth. That candies and chocolate may be deemed to be adulterated if they contain terra alba, barytes, talc, chrome yellow, or other mineral substances, or poisonous colors or flavors, or other ingredients deleterious or detrimental to health: *Provided*. That an article of food, beverage, or condiment which does not contain any added poisonous ingredient shall not be deemed to be adulterated in the following cases:

Exceptions.

First. In the case of articles, mixtures, or compounds which may be now, or from time to time hereafter, known as articles of food, beverages, or condiments under their own distinctive names, and not included in definition fourth of this section.

Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are mixtures, compounds, combinations, imitations, or blends.

Third. When any matter or ingredient has been added to the food, beverage, or condiment because the same is required for the production or preparation thereof as an article of commerce in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight, or measure of the food, beverage, or condiment, or conceal the inferior quality thereof: *Provided*. That the same shall be labeled, branded, or tagged as prescribed by the Board of Agriculture, so as to show them to be compounds and the exact character thereof: *And provided further*, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods to disclose their trade formulas except in so far as the provisions of this act may require to secure freedom from adulteration or imitation: *Provided further*, That nothing in this act shall be construed to apply to proprietary or patent medicines.

Labels required.

Fourth. Where the food, beverage, or condiment is unavoidably mixed with some harmless extraneous matter, in the process of collection or preparation: *Provided further*, That no person shall be convicted under the provisions of this act when he is able to prove a written guaranty of purity in a form approved by the Board of Agriculture as published in their rules and regulations, signed by the wholesale jobber, manufacturer, or other party from whom he purchased said article.

No conviction if purity was guaranteed to defendants.

Compound products to be branded.

SEC. 7. That the Board of Agriculture is hereby authorized to cause all compound, mixed, or blended products to be properly branded and prescribe how this shall be done.

Exempted articles to be published.

SEC. 8. That it shall the duty of the Board of Agriculture to prepare and publish from time to time lists of the articles, mixtures, or compounds declared to be exempt from the provisions of this act in accordance with section six.

Food standards to be fixed by Board of Agriculture.

The Board of Agriculture shall also from time to time fix and publish the limits of variability permissible in any article of food, beverage, or condiment, and these standards when so published shall remain the standards before all courts: *Provided*. That when standards have been or may be fixed by the Secretary of Agriculture of the United States, they shall be accepted by the Board of Agriculture and published as the standards for North Carolina.

Samples for analysis. SEC. 9. That every person who exposes for sale or delivers to a purchaser any condiment, beverage, or article of food shall furnish, within business hours, and upon tender and full payment of the selling price, a sample of such condiments, beverages, or articles of food to any person duly authorized by the Board of Agriculture to secure the same and who shall apply to such manufacturer or vender or person delivering to a purchaser such beverage or article of food, for such sample for such use in sufficient quantity for the analysis of such article or articles in his possession.

Hindrance, etc., a misdemeanor. SEC. 10. That any manufacturer or dealer who refuses to comply upon demand with the requirements of section nine of this act, or any manufacturer, dealer, or person who shall impede, obstruct, hinder, or otherwise prevent or attempt to prevent any chemist, inspector, or other person in the performance of his duty in connection with this act shall be guilty of a misdemeanor and shall upon conviction be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned not more than one hundred days, or both, in the discretion of the Court, and said fines, less the legal costs, shall be paid into the treasury of the State for the benefit of the Department of Agriculture, to be used exclusively in executing the provisions of this act.

Penalty.

Act not to interfere with commerce. SEC. 11. That this act shall not be construed to interfere with commerce, or any interstate commerce laws of the United States.

Repeal. SEC. 12. That chapter one hundred and twenty-two, Public Laws of one thousand eight hundred and ninety-five, be and the same is hereby repealed.

In effect. SEC. 13. That this act shall be in force from the first day of August, one thousand eight hundred and ninety-nine.

NORTH DAKOTA.

See Fourteenth Annual Report of the Bureau of Animal Industry, pages 660 and 661, for:

Laws of 1895, chapter 49, sections 1–12.—An act entitled "An act to protect dairy interests of the State of North Dakota, and to prevent fraud in dairy products, and to regulate traffic in adulterated butter and cheese." (Approved March 16, 1895.) [Most, if not all, of this act appears to be replaced by the following.]

Recently enacted:

LAWS OF 1899, Chapter 72.

AN ACT to regulate the manufacture and sale of dairy products and imitations and substitutes therefor, prescribing penalties for violations, to create a deputy commissioner of agriculture, prescribing his duties, and fixing his salary. (Approved March 9, 1899.)

Assistant dairy and food commissioner: qualifications. SECTION 1. In order to secure the better enforcement of the provisions of this act, and to promote the improvement of the products of the dairy, the commissioner of agriculture, by and with the advice and consent of the governor, shall appoint one deputy in his department to be known officially as assistant dairy and food commissioner, who shall have a practical knowledge of and experience in the manufacture of dairy products, and hold his office during the term of the commissioner of agriculture, subject to removal from office for inefficiency, neglect, or violation of duty. The said assistant commissioner shall receive a salary of six hundred dollars per annum and his actual and necessary expenses in the discharge of his duties under this act, and shall be charged under the direction of the commissioner of agriculture with the enforcement of the various provisions thereof.

Salary and duties.

Appropriation. The sum of one thousand dollars annually is hereby appropriated, to which shall be added the amount in fines collected in the enforcement of the provisions of this act, to be paid for such purposes out of any moneys in the treasury not otherwise appropriated, and any money so appropriated not expended in the enforcement of the provisions of this act shall revert to the State school fund. All charges, accounts and expenses authorized by this act shall be paid by the treasurer of the State upon the warrant of the State auditor. The entire expense of said assistant commissioner shall not exceed the sum appropriated for the purpose of this act.

Biennial Report. SEC. 2. The biennial report of commissioner of agriculture shall contain a detailed report of the work and proceedings, together with an account of expenses and disbursement of said assistant commissioner, since the preceding report, with such facts and statistics in regard to the production, manufacture, and sale of daily products with such suggestions as he may regard of public importance connected therewith.

Authority for inspecting. SEC. 3. The said assistant commissioner and such persons as shall be duly authorized for the purpose shall have access, ingress, and egress to all places of business, factories, farms, buildings, carriages, cars, vessels, and cans used in the manufacture and sale of any dairy products or any imitation thereof. They also shall have power and authority to open any package, can, or vessel containing such articles which may be manufactured, sold, or exposed for sale in violation of the provisions of this act, and may inspect the contents therein and may take samples therefrom for analysis. All clerks, book-keepers, express agents, railroad officials, employes, or common carriers shall render to them any assistance in their power when so requested, in tracing, finding, or discovering the presence of any prohibited article named in this act.

Assistance from others.

Refusal to aid a misdemeanor. SEC. 4. Any refusal or neglect on the part of such clerks, book-keepers, express agents, railroad officials, common carriers, or employes to render such friendly aid shall be deemed a misdemeanor and be punished by a fine of not less than twenty dollars nor more than fifty dollars for each and every offense.

Penalty.

Annual reports from creameries, venders, etc. SEC. 5. The said assistant commissioner shall provide blanks which shall be furnished to all proprietors or managers of creameries, cheese factories, and all the venders or peddlers of milk who shall be licensed under the provisions of this act, for the purpose of making a report of the amount of milk and dairy goods handled and all owners or managers of such creameries, cheese factories, and venders or peddlers of milk, shall on the first day of November of each year, send to the assistant dairy and food commissioner a full and accurate report of the amount of business done during the year as designated under the different headings of such printed blanks.

False reports. SEC. 6. Any neglect or failure or false statement on the part of any owner or manager of such creamery, cheese factory, or any vender or peddler of milk shall be consider a misdemeanor and be punished by fine of not less than ten nor more than fifty dollars.

Penalty.

Creameries and cheese factories to use brands. SEC. 7. Every creamery, cheese factory, or combined creamery and cheese factory engaged in the manufacture of butter and cheese shall procure a stencil or brand bearing a suitable device and words which shall clearly designate the quality of the product manufactured, and the number and location of the factory, and may contain a special or private brand or name of said factory: every brand shall be used upon the outside of the cheese and also upon the package containing the same, but in the case of butter on the package only and shall on the first day of November of each year report to the assistant dairy and food commissioner the name, location, and number of each factory using said brand, and the name or names of the persons at each factory authorized to use the same together with a copy of each stencil or brand and the said assistant commissioner shall keep a book in which shall be registered the same.

Brands to be registered.

Penalty for violation. Any neglect or failure to comply with the provisions of this section shall be considered a misdemeanor and shall be punishable by a fine of not less than ten dollars and not more than fifty dollars for each and every offense.

Milk peddlers shall be licensed. SEC. 8. Every person who sells milk from a dairy of five or more cows, and conveys the same in carriages, carts, or other vehicles for the purpose of such sale, in any city or town of one thousand inhabitants or more, in the State of North Dakota shall on the first day of June of each year, or within thirty days thereafter be licensed by the assistant dairy and food commissioner to sell milk within the limits of said city or town, and shall pay to the said assistant commissioner the sum of one dollar each to the use of said dairy and food commissioner. But any person desiring to engage in such dairy business shall first procure a license as aforesaid which shall be valid until the first day of June next succeeding the issue. Licenses shall be used only in the names of the owners of carriages, carts, and other vehicles, and shall, for

the purpose of the act, be conclusive evidence of ownership. No license shall be sold, assigned, or transferred.

Data on licenses. Each license shall record the name, residence, place of business, number of carriages, carts, or other vehicles used, the name and residence of every driver or other persons engaged in selling said milk, and the number of the license. Each licensee shall, before engaging

Vehicles to be marked. in the sale of milk, cause his name, the number of his license, and place of business to be legibly placed on each outer side of all carriages, carts, or other vehicles used by him in the conveyance and sale of milk, and he shall report to the said assistant commissioner any change of driver or other persons employed by him which may occur during the term of his license.

Penalty for violation. Whoever without being first licensed under the provisions of this section, sells milk, or exposes it for sale from carriages, carts, or other vehicles, or has in his custody or possession with intent to sell, and whoever violates any of the provisions of this section, shall be punished by a fine of not less than ten dollars and not more than fifty dollars for each and every offense.

Stores, etc., to be licensed. SEC. 9. Every person before selling milk or offering it for sale in a store, booth, stand, or market place in the respective towns or cities as designated in this act shall procure a license from the assistant dairy and food commissioner and shall pay to said assistant commis-

Penalty for violation. sioner the sum of one dollar. Whoever neglects to procure said license shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding twenty dollars for each and every offense.

Disposal of impure milk prohibited. SEC. 10. If any person shall sell, exchange, or expose for sale or exchange, or to be converted into any product of human food any unclean, unhealthy, adulterated, unwholesome, or skimmed milk, or milk from which has been held back what is commonly known as strippings, or milk taken from an animal having disease, sickness, ulcers, abscess, or running sores, or which has been taken from an animal within 15 days before or 5 days after parturition; or if any person having cows for the purpose of producing milk or cream for sale shall stable them in an

Care of cows regulated. unhealthy place or crowded manner, or shall knowingly feed them food which produces impure, unwholesome milk, or upon any substance in a state of putrefaction or rottenness or of unhealthy nature, or shall sell or offer

Impure cream forbidden. for sale cream which has been taken from milk the sale of which has been prohibited, or shall sell or offer for sale as cream an article which shall contain less than the amount of butter fat as pre-

Skimmed milk cheese to be labeled. scribed in this act; or if any person shall sell or offer for sale any cheese manufactured from skimmed milk, or from milk that is partly skimmed without the same being plainly branded, stamped, or marked on the side or top of both cheese and package in a durable manner in the English language the words, "skimmed milk cheese," the letters of the words to be not less than one inch in height and one-half inch in width—he

Penalty for violation. shall be fined not less than twenty nor more than fifty dollars; but the provisions of this section shall not apply to skimmed milk when sold as such and in the manner and subject to the regulations prescribed in this act.

Adulteration of milk defined. SEC. 11. For the purpose of this act the addition of water or any other substance or thing to whole milk, or skimmed milk, or partially skimmed milk is hereby declared an adulteration, and milk which is obtained from animals fed upon any substance of an unhealthy nature,

Milk standard. is hereby declared impure and unwholesome, and milk which has been proved by any reliable method or test or analysis to contain less than twelve per cent of milk solids to the hundred pounds of milk, or than three pounds of butter fat to one hundred pounds of milk shall be regarded as

Cream standard. skimmed or partially skimmed milk, and every article not containing fifteen per cent or more of butter fat shall not be regarded as cream.

Dairy inspection. It is hereby made the duty of the assistant dairy and food commissioner to inspect such dairies as he shall deem necessary and enforce the provisions of the two preceding sections.

Imitations of yellow butter prohibited. SEC. 12. No person by himself or his agents or servants shall render or manufacture, sell, offer for sale, expose for sale, take orders for the future delivery of, have in his possession, keep in storage, distribute, deliver, transfer, or convey with intent to sell within this State any article, product, or compound made wholly or partly out of

any fat, oil, or oleaginous substance or compound thereof, not produced from unadulterated milk or cream from the same, which shall be imitation of yellow butter produced from pure unadulterated milk or cream of the same.

Oleomargarine permitted. *Provided*, that nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine in a separate and distinct form, and in such manner as will advise the consumer of its real character free from coloration or ingredient that causes it to look like butter.

Penalty. Whoever violates any of the provisions of this section shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each and every offense.

Brand for oleomargarine, etc., required. SEC. 13. Whoever exposes for sale oleomargarine, butterine, or any substance made in imitation or semblance of pure butter in tubs, firkins, or other original packages not distinctly, legibly, and durably branded, stamped, or marked in a conspicuous place with the word "oleomargarine" or "butterine" or "imitation butter," as the case may be, in letters not less than one inch in length and one-half inch in width, or in retail packages not plainly and conspicuously labeled with said words "oleomargarine" or "butterine" or "imitation butter," as the case may be, shall

Penalty. be deemed guilty of a misdemeanor and punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each and every offense.

"Process" butter to be labeled "renovated." SEC. 14. Whoever by himself, his agents, or employes shall manufacture, sell, offer, or expose for sale butter that is produced by taking original packing stock or other butter, or both, and melting the same, so that the butter fat can be drawn off, then mixing the said butter fat with skimmed milk, or milk, or cream, or other milk product, and rechurning the said mixture; or that is produced by any similar process and is commonly known as boiled or process butter, unless the tub, firkin, or other original package in which the same may be put up, be distinctly, legibly, and durably branded, stamped, or marked in a conspicuous place with the words "renovated butter" in printed letters not less than one inch in length and one half inch in width, in prints, boxes, or rolls not plainly and conspicuously labeled on the wrapper thereof with said words "renovated butter" in printed letters not less than one-half inch in length and one-quarter inch in width shall be

Penalty. deemed guilty of a misdemeanor and punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each and every offense.

Notice to be given of use of oleomargarine in public eating places. SEC. 15. Whoever furnishes or causes to be furnished in any hotel, restaurant, boarding house, or at any lunch counter oleomargarine, or butterine to any guest or patron of such hotel, restaurant, boarding house, or lunch counter in the place or stead of butter shall notify said guest or patron that the substance so furnished is not butter and any party so furnishing without such

Penalty. notice shall be punished by a fine of not less than five dollars nor more than ten dollars for each and every offense.

Substitute or filled cheese to be labeled. SEC. 16. Any person or firm who shall sell or offer for sale or make or manufacture out of any oleaginous substance or substances or any compound of the same or any other compound other than that produced from unadulterated milk any article designed to take the place of cheese, produced from pure milk or any article termed "filled-cheese" shall stamp each package of the same on the top and side with lamp black and oil the words "filled-cheese" or words that shall designate the exact character and quality of the product in printed letters at least one inch long and one-half

Penalty. inch wide. Whosoever violates the provisions of this section is guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each and every offense.

Assistant commissioner, director of farmers' institutes. SEC. 17. The assistant dairy and food commissioner shall be director of farmers' institutes in the State and have charge of all matters relating thereto. He shall arrange for holding as many farmers' institutes during the year as possible and in connection with local committee where institute is to be held shall prepare program and provide for speakers and lectures. The expense of such institutes shall be limited to the actual expense of travel and entertainment for speakers and lecturers.

Repeal. SEC. 18. All acts and parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

OHIO.

See Fourteenth Annual Report of the Bureau of Animal Industry, pages 661–669, for—

Ohio Laws, volume 83, page 120[1] (sections 1–4) (= Giauque, 8847–8850).—An act to create the office of dairy and food commissioner, provide for his election, term of office, duties, salaries, expenses, office, dispositition of fines collected, annual reports, etc. (Passed and took effect May 8, 1886.)

Ohio Laws, volume 88, page 74 (section 1).—An act to require the Ohio dairy and food commissioner to give bond. (Passed and took effect March 4, 1891.)

Ohio Laws, volume 86, page 229 (sections 1–4) (= Giauque, 8837–8840).—An act to regulate the sale of milk. (Passed and took effect April 10, 1889.)

Ohio Laws, volume 83, page 178 (sections 1–17)[2] (= Giauque, 8821–8834, 8836).—An act to prevent adulteration of and deception in the sale of dairy products, and supplementary to Chapter II, Title I, part 4, of the Revised Statutes. (Passed and took effect May 17, 1886.)

Ohio Laws, volume 87, page 51 (sections 1–3)[2].—An act to prevent deception in the sale of dairy products and to preserve the public health. (Passed March 7, 1890; took effect May 1, 1890.)

Ohio Laws, volume 91, page 274 (sections 1–7).—An act to prevent fraud and deception in the manufacture and sale of oleomargarine and promote public health in the State of Ohio. (Passed and took effect May 16, 1894.)

Ohio Laws, volume 92, page 51 (sections 1–10).—An act to prevent fraud in the manufacture and sale of imitations of cheese or substitutes for cheese, and to regulate the branding of cheese in the State of Ohio. (Passed and took effect March 3, 1895.)

Ohio Laws, volume 81, page 67 (sections 1–5).—An act to provide against the adulteration of food and drugs. (Passed March 20, 1884; took effect forty days later.)

Following should be added:

OHIO LAWS, Volume 91, page 412.

AN ACT to amend sections [section ?] 3718*a* of the Revised Statutes of Ohio. (Passed and took effect May 21, 1894.)

SECTION 1. That section 3718*a* of the Revised Statutes of Ohio, be and the same is hereby amended to read as follows:

Jurisdiction in violation of food and dairy laws.

SEC. 3718*a*. Any justice of the peace, within his county and city, police judge or mayor of any city or village, within his city or village, shall have jurisdiction in case of violation of the laws, to prevent adulteration of food and drink, the adulteration and deception in the sale of dairy products, and drugs and medicines, and any violation of the law for the prevention of cruelty to animals, or under section sixty-nine hundred and eighty-four of the Revised Statutes, or section sixty-nine hundred and eighty-four-*a* thereof as herein enacted. If such prosecutions be before a justice of the peace, and a trial by jury be not waived, the said justice shall issue a venire to any constable of the county, containing the names of sixteen electors of the county to serve as jurors to try such case and make due return thereof. Each party shall be entitled to two peremptory challenges, and shall be subject to the same challenges as jurors are subject to in criminal cases in the court of common pleas. If the venire of sixteen names be exhausted without obtaining the required number to fill the panel, the justice may direct the constable to summon any of the bystanders to act as jurors: *Provided*, That in all cases prosecuted under the provision of this section no costs shall be required to be advanced or paid by the person or persons authorized under the law to prosecute such cases: *And provided further*, That in all cases brought under the provision of this section, if the defendant be acquitted, or if convicted and committed in default of paying fine and costs, the costs of each case shall be certified under

[1] Appropriation for 1900, $50,340.

[2] The supreme court of Ohio has upheld the law requiring that oleomargarine shall not be colored to resemble butter.

oath to the county auditor, who, after correcting the same, shall issue [a] warrant on the county treasurer in favor of the person or persons to whom such cost and fees shall be paid.

And in cases brought for any violation of law for the prevention of cruelty to animals, the humane society or their agents, may employ an attorney to prosecute the same, who shall be paid for his services out of the county treasury, as the county commissioners may deem just and reasonable.

Repeal. In effect.

SEC. 2. Said original section 3718*a* is hereby repealed, and this act shall take [effect] and be in force after its passage.

OKLAHOMA.

See Fourteenth Annual Report of the Bureau of Animal Industry, page 670, for—

Compiled Statutes, 1893, chapter 25, article 36 (2264), section 16.—Concerning adulteration.

Compiled Statutes, 1893, chapter 25, article 50 (2436, 2437, 2443), sections 1, 2, 8.—Concerning impure provisions and milk.

Compiled Statutes, 1893, chapter 8 (342), section 4.—An act creating a board of health and regulating the practice of medicine. (Took effect December 25, 1890.)

OREGON.

See Fourteenth Annual Report of the Bureau of Animal Industry, pages 670–673, for—

General Laws, 1893, page 99 (sections 1–20).—An act to prevent the production and sales of unwholesome foods and medicines, and to regulate sales of adulterated foods, drinks, medicines, and fertilizers, and to repeal the act entitled "An act to prevent the production and sales of unwholesome foods, and to regulate the sales of adulterated foods, drinks, and medicines," approved February 25, 1889. (Filed in the office of secretary of State February 21, 1893.) [Most, if not all, of this act appears to be replaced by the following.]

Recently enacted:

GENERAL LAWS, 1899, page 46.

AN ACT to provide for the election of an Oregon Dairy and Food Commissioner, and to prescribe his duties and qualifications, and to prevent the production and sale of unwholesome food, drinks, medicine and fertilizers; and to repeal an act entitled "An Act to prevent the production and sale of unwholesome foods and medicines, and to regulate sales of adulterated foods, drinks, medicines, and fertilizers." (Approved February 16, 1899.)

Any adulterated food, etc., shall be plainly marked.

SECTION 1. No person or persons shall sell, or expose for sale, or exchange, or have in his or their possession for sale or exchange, any adulterated food, drink, medicine, or fertilizer, unless the same shall be plainly marked so as to establish its true character and distinguish it from pure articles of food, drink, medicine, or fertilizers, and in any public dining or eating room where adulterated food or drinks are used, the bill of fare shall state the fact in the same size type as is used in printing the body of said bill of fare; or, if no bill of fare is used, then and in that case printed notice thereof shall be posted in a conspicuous place in said dining or eating room so as to be easily seen by anyone entering such room, in which notice shall be stated in large letters the fact that adulterated foods and drinks are being used for foods and drinks; and it shall be unlawful for any person to offer or expose for sale reworked or mixed butter, unless the same is plainly marked "process butter," and it shall be unlawful for any persons to offer or expose for sale any tub or packed butter remolded into prints, rolls or squares unless the same is plainly marked "tub butter;" and it shall be unlawful for any person who offers or exposes reworked, mixed, packed, or remolded butter to mark or brand such butter with the stamp of any creamery or with the words "creamery butter."

Notice of use in public eating places.

Reworked butter to be marked "Process butter."

Remolded butter to be marked "Tub butter."

Creamery stamps on such forbidden.

Stabling of cows.

SEC. 2. When cows are kept by any person for dairy purposes, either for butter or cheese, or for the production of milk or cream, for sale, and are confined in stables, such cows so confined shall each be allowed

at least 800 cubic feet of air, and such cows so stabled shall not be confined facing each other or when closer together than six feet, unless there shall be an air-tight partition between such cows at least four feet in height; and all stables where such cows are kept shall be well ventilated and kept in good, healthful condition; and if any suspected diseased cow or other animal belongs to or about any dairy, the State dairy and food commissioner shall notify the State veterinarian; and if any dairy above stated is found to be in a filthy and unhealthful condition, the commissioner may notify the proprietor that said dairy must be put in a healthful condition within three days, and should said proprietor neglect or refuse to comply with such order, then the commissioners may employ other persons to perform such duty, and said proprietor shall pay all expenses of such labor.

Care of dairies.

Penalty. SEC. 3. Whosoever violates any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $25 nor more than $100, or by imprisonment in the county jail not less than 30 days nor more than six months. Justices' courts shall have jurisdiction of all cases arising under this act.

Adulteration defined. SEC. 4. An article of food or drink or medicine is deemed to be adulterated within the meaning of this act, when:

1. Any substance or substances have been mixed with it so as to reduce or lower or injuriously affect its quality or strength.

2. If any inferior or cheaper substance or substances have been substituted, wholly or in part for it.

3. If any valuable constituent has been wholly or in part abstracted from it.

4. If it is an imitation of or is sold under the name of another article.

5. If it is colored, coated, or powdered or polished, whereby damage is concealed, or if it is made to appear better or of greater value, as compared with the total solids, than it really is: *Provided, however*, That salt and annotto, or butter color, in which annotto is the principal ingredient, shall not be considered an adulteration when used in dairy products.

Butter standard. 6. Butter that contains more than 14 per cent water.

Milk standard. 7. Milk that contains more than 88 per cent water.

8. Milk that contains less than 3 per cent butter fat.

9. Milk that contains less than 8 per cent solids, other than butter fat, and less than 1.028 specific gravity after cream has been removed.

Cheese standard. 10. Cheese that contains less than 40 per cent butter fat, as compared with total solids.

Cream standard. 11. Cream that contains less than 20 per cent butter fat.

Condensed milk standard. 12. Condensed milk that contains less than 12 per cent of milk solids in pure milk, 25 per cent of which shall be pure fat.

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Dairy and food commissioner; term; salary. SEC. 5. That at the general election held in June, 1900, there shall be elected by the electors of the State of Oregon a commissioner, who shall be known as the Oregon dairy and food commissioner, who shall hold his office for the term of four years, and until his successor is elected and qualified, who shall qualify within 30 days from the time of his election by taking and filing an oath to faithfully perform the duties of said office with the secretary of State, and shall receive for his salary the sum of $1,000 per year and his actual traveling expenses and the expenses incurred in the discharge of the duties of said office: *Provided*, That at the regular session of the legislative assembly now in session there shall be elected, as provided by law, a commissioner who shall be known as the Oregon dairy and food commissioner, who shall hold his office until the election of said commissioner by the electors of the State of Oregon and until such commissioner shall have qualified as aforesaid. The person elected as such commissioner shall be well qualified in dairy matters, and qualified to give theoretical and practical instruction in dairying; and it shall be the duty of such commissioner to give practical and theoretical instructions in dairy matters, whenever and wherever opportunity offers within the State, and to collect and disseminate such information as is calculated to develop the dairy interests within the State. The said commissioner shall establish his office in the city of Portland, in this State, and shall, upon complaint being made by any citizen of the State of Oregon, or without such complaint if in his opinion necessary, examine into any case of violation or of supposed violation of the provisions of this act or any of them. The said commissioner may appoint one deputy in each county in this State, said deputy's duties and compensation to be pre-

Qualifications and duties.

Office.

Deputies.

scribed by the commissioner; said deputy or deputies to be compensated by the commissioner. It shall be the duty of said commissioner to visit and inspect each and every creamery operated within the State of Oregon at least once each year.

Creamery inspection.

Chemist of agricultural college to assist.

SEC. 6. It shall be the duty of the chemist of the State agricultural college to correctly analyze any and all substances the said commissioner may send him for the purpose of carrying out the provisions of this act, and his certificate of analysis shall be prima facie evidence in all courts of justice.

Authority for inspections.

SEC. 7. The said commissioner, and such chemists and experts or agents as he shall duly authorize for the purpose, shall have access to, egress, and ingress to, all places of business, factories, stores, farm buildings, carriages, cars, vessels, and implements used in the manufacture, production, or sale of any food, drinks, or medicines or fertilizers; and they also have the power and authority to open any package, case, or vessel containing such articles which may be manufactured, sold, or exposed for sale; and any manufacturer, dealer hotel, or restaurant keeper shall deliver to the commissioner, or his deputy, any samples of food, drinks, or medicines or fertilizers for analyzing or testing upon a tender of the price thereof in money.

Commissioner reports to the legislature.

SEC. 8. Said commissioner shall keep a full and correct account of all business done by him or his experts, chemists, or agents, and report the same to the legislature.

Fines to go to common school fund.

SEC. 9. In all prosecutions under this act the fine or fines collected by and under the same shall go to the common school fund of the State: provided, that all such moneys shall be transmitted to the State treasury at the State capital by the officer collecting the same: *Provided, further*, That the State treasurer shall forward a duly certified receipt and shall credit all such accounts to the common school fund.

Impure milk defined.

SEC. 10. In all prosecutions under the provisions of this act relating to the sale of diseased foods, or that which is unclean, impure or unhealthy, milk drawn from cows for 15 days before and 5 days next after parturition, or from cows fed on unwholesome food, or any calf that has been slaughtered under the age of four weeks, shall be deemed and declared unclean, impure, and unwholesome.

Use of false brands.

SEC. 11. Any person who shall use the box, boxes, or brands used by any creamery or dairyman for the purpose of selling the butter of any other creamery or dairyman shall be subject to all the fines and penalties provided for in this act.

Sales of imitation dairy products to be recorded.

SEC. 12. Every person who sells oleomargarine, butterine, or any imitation butter whatsoever, or other imitation dairy products, in this State, shall keep a sale book in which all sales shall be entered at the time of sale. Said sale book shall state the amount sold, together with the name and address of the purchaser, and said sale book shall be open to the inspection of the State food commissioner or his agents at all times.

Transportation companies to give information.

SEC. 13. Every railroad company or other transportation company in this State, upon application of the State food commissioner or his authorized agent, shall give the name and address of any shipper or consignee of any supposed diseased meats or foods of any kind.

Annual reports from butter and cheese makers.

SEC. 14. Every person or company who manufactures for sale, in quantities exceeding 25 pounds per week, butter or cheese in this State, shall report to the food commissioner annually each year, as follows:

First—Name and address of manufacturer.

Second—Name and address or owner of cows.

Third—Number of pounds of milk purchased.

Fourth—Total number of pounds of milk used in the manufacture of butter, and the number of pounds used in making cheese.

Fifth—Number of pounds of butter and cheese made.

Sixth—Number of pounds of butter and cheese sold: *Provided*, That the amount

of butter or cheese made by any such person shall not be published if the maker requests that it shall not be done.

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Repeal. SEC. 16. All acts and parts of acts in conflict with the above provisions of this act are hereby repealed.

PENNSYLVANIA.[1]

See Fourteenth Annual Report of the Bureau of Animal Industry, pages 673–680, for—

Session of 1893, No. 96 (sections 1–7).—An act to enlarge the powers of the State board of agriculture, to authorize the said board to enforce the provisions of the act entitled "An act for the protection of the public health and to prevent adulteration of dairy products and fraud in the sale thereof," approved May 21, A. D. 1885, and of other acts in relation to dairy products; to authorize the appointment of an agent of the said board who shall be known as the "dairy and food commissioner," and to define his duties and fix his compensation, being supplementary to an act entitled "An act to establish a State board of agriculture," approved May 8, A. D. 1876. (Approved May 26, 1893.)

Session of 1895, No. 8, section 4.—An act to establish a department of agriculture and to define its duties and provide for its proper administration. (Approved March 13, 1895.)

Session of 1895, No. 457 (section 1).—An act to enlarge the duties of the State food commissioner, authorizing him to enforce all laws against the adulterations or impurities in vinegar, jellies, cider, evaporated apples and all apple products, and the unlawful labeling in the State of Pennsylvania. (Approved July 5, 1895.)

Session of 1897, No. 118 (sections 1–4).—An act to prohibit the adulteration or coloring of milk or cream by the addition of so-called preservatives or coloring matter, and to provide for the enforcement of the same. (Approved June 10, 1897.)

Session of 1885, No. 186 (sections 1–9).—An act to prevent the adulteration of and the traffic in impure and unwholesome milk in cities of the second and third class. (Approved July 7, 1885.)

Session of 1869, No. 56 (section 1).—An act to authorize the councils in cities and boroughs in this Commonwealth to provide for the inspection of milk. (Approved April 20, 1869.)

Session of 1878, No. 183 (sections 1–6).—An act to prevent the adulteration of milk and prevent the traffic in impure and unwholesome milk. (Approved May 25, 1878.)

Session of 1895, No. 258, sections 14–17.—An act creating a bureau of health in the department of public safety in cities of the second class. (Approved June 26, 1895.)

Session of 1897, No. 164 (sections 1–4).—An act to prevent fraud and deception in the manufacture and sale of cheese and defining what shall constitute the various grades of cheese, providing rules and regulations for marking and branding the same, providing for the enforcement of this act, prescribing penalties for its violation. (Approved June 23, 1897.)

Session of 1893, No. 65 (sections 1–3).—An act to prohibit the use of any adulteration or imitation of dairy products in any charitable or penal institution, being supplementary to an act entitled "An act for the protection of the public health and to prevent adulteration of dairy products and fraud in the sale thereof," approved May 21, A. D. 1885. (Approved May 23, 1893.)

Session of 1895, No. 233 (sections 1–6).—An act to provide against the adulteration of food and providing for the enforcement thereof. (Approved June 26, 1895.)

[The State department of agriculture reports that No. 236, session of 1895, concerning preservatives, was repealed by No. 118, session of 1897; and No. 25, session of 1885, concerning imitations of butter and cheese, was repealed by No. 136, session of 1899.]

[1] A part of the laws relate especially to the milk supply of certain classes of cities, and their enforcement is in the charge of the authorities of the cities concerned.

Recently enacted:

SESSION OF 1899, No. 121.

AN ACT to regulate the sale of butter produced by taking original packing stock and other butter and melting the same, so that the butter oil can be drawn off, mixed with skimmed milk or other material, and by emulsion or other process produce butter, and butter produced by any similar process, and commonly known as "Boiled" or "Process" butter; providing for the enforcement thereof, and punishment for the violation of the same. (Approved May 4, 1899.)

SECTION 1. That no person, firm, or corporate body shall, within this State, sell, or offer or expose for sale, or have in his, her, or their possession with intent to sell, any butter not labeled in compliance with the provisions of this act. Butter produced by taking original packing stock and other butter and melting the same, so that the butter oil can be drawn off, mixed with skimmed milk or other material, and by emulsion or other process produce butter, and butter produced by any similar process, and commonly known as "Boiled" or "Process" butter, shall before sale, and before being offered or exposed for sale, and while in the possession of any person, firm, or corporate body with intent to sell the same, be plainly labeled "Renovated Butter," in the manner prescribed by this act. If sold, offered or exposed for sale, or in possession of any person, firm, or corporate body with intent to sell the same in prints or rolls, the prints or rolls shall be covered by wrappers, on which shall be printed in conspicuous letters the words "Renovated Butter." If packed in tubs or other receptacles, and sold or offered or exposed for sale, or held in the possession of any person, firm, or corporate body with intent to sell the same, the said words shall be printed in one-inch letters on the top and two sides of the tub or receptacle; if uncovered and not contained in a tub or other receptacle, and sold or offered or exposed for sale, or held in the possession of any person, firm, or corporate body with intent to sell the same, a placard containing the said words shall be attached to the mass, in a manner making them plain and prominent.

Butter produced from melted butter, etc., to be labeled "Renovated Butter."

How to be marked.

Penalty. SEC. 2. Every person, firm, or corporate body who shall violate any of the provisions of this act shall, for every such offense, forfeit, and pay not less than twenty-five dollars nor more than one hundred dollars, which shall be recoverable with costs, including expense of inspection and analysis, by any person suing in the name of the Commonwealth, as debts of like amount are by law recoverable: *Provided*, That the Department of Agriculture, through its officer known as the Dairy and Food Commissioner, together with the deputies, agents, and assistants, shall be charged with the enforcement of this act, and shall have full access to all places of business, factories, buildings, carriages, cars, vessels, barrels, and packages of whatever kind, used in the manufacture and transportation and sale of any butter, or of any adulteration or imitation thereof. They shall also have power and authority to open any package, barrel, or vessel containing any butter, or any adulteration or imitation thereof, which may be manufactured, sold, or offered or exposed for sale, or held in possession with intent of the holder to sell; and they shall also have full power and authority to take the samples therefrom for analysis, upon tendering the value of said samples. And all charges, accounts, and expenses of the Department for the enforcement of this act, through the said commissioner and his deputies, agents, assistants, chemists, and counsel employed by him in carrying out the provisions of this act, shall be paid by the Treasurer of the State in the same manner as other accounts and expenses of the said Department are paid. And all penalties and costs for the violation of the provisions of this act shall be paid to the said Dairy and Food Commissioner, or his agents, and by him immediately covered into the State Treasury.

Enforcement.

Authority for inspections.

Samples for analysis.

Payment of expenses.

Penalty. SEC. 3. Every person who violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days, or both fine and imprisonment, for the first offense; and a fine of one hundred dollars and imprisonment for thirty days, for every subsequent offense: *Provided*, That all fines and costs, including the expense of inspection and analysis imposed under this section, shall be covered into the State Treasury, as provided by section two of this act; and all butter sold or offered or exposed for sale, or held in the possession of any one with intent to sell the same, in violation of the provisions of this act shall be subject to forfeiture and spoliation.

Forfeiture for violation.

Jurisdiction of magistrates and justices.

SEC. 4. Magistrates and justices of the peace throughout this Commonwealth shall have jurisdiction to hear and determine actions arising for violations of the provisions of this act, and to hold for court or impose the penalties provided therein, subject to appeal as the law shall direct.

SESSION OF 1899. No. 136.

AN ACT to regulate the manufacture and sale of oleomargarine and butterine and other similar products, to prevent fraud and deception by the manufacture and sale thereof as an imitation of butter, the licensing of manufacturers of and dealers in the same, and providing punishment for violations of the act and the means for its enforcement. (Approved May 5, 1899.)

Imitation butter prohibited.

SEC. 1. That no person, firm, or corporate body, by himself, herself, or themselves, or by his, her, or their agents or servants, shall render or manufacture, sell, ship, consign, offer for sale, expose for sale, or have in his, her, or their possession, with intent to sell, any article, product, or compound made wholly or partly out of any fat, oil, or oleaginous substance, or compound thereof, not produced from unadulterated milk or cream from the same, without the admixture or addition of any fat foreign to the said milk or cream, and which shall be in imitation of yellow butter, produced from pure, unadulterated milk or cream of the same, with or without coloring matter:

Oleomargarine permitted if uncolored, etc.

Provided, That nothing in this act shall be construed to prohibit the manufacture or sale, or offering or exposing for sale, or having in possession with intent to sell, oleomargarine or butterine or any similiar substance, free from coloration or ingredients that cause it to look like butter, and in a separate and distinct form, and in such manner as will advise the consumer of its real character, if the per-

Manufacturers and sellers to be licensed.

son, firm, or corporate body who shall manufacture, sell, or offer or expose for sale, or have in his, her, or their possession, with intent to sell, any of the said substances, shall first obtain a license, and pay a license fee, as hereinafter provided, and shall in all other respects comply with the provisions of this act.

Packages to be marked.

SEC. 2. It shall be unlawful for any person, firm, or corporate body to sell, or offer or expose for sale, or have in possession with intent to sell, oleomargarine, butterine or any similar substance, not marked and distinguished on the outside of each tub, package, or parcel thereof, in a conspicuous place, by a placard with the word "oleomargarine" or "butterine," and

Placards to be displayed.

not having also upon every open tub, package, or parcel thereof, in a conspicuous place, a placard with the word "oleomargarine" or "butterine," such placard in each case to be printed in plain, uncondensed Gothic letters, not less than one inch long, and such placard shall not

Small parcels to be wrapped in stamped wrappers.

contain any other words thereon, and every print or roll shall be wrapped in wrappers plainly stamped on the outside thereof with the words "oleomargarine" or "butterine," and where oleomargarine or butterine or other similar product is sold from solid packages, before being delivered to the purchaser it shall be wrapped by the seller thereof in a wrapper plainly stamped on the outside thereof "oleomargarine" or "butterine," and said wrapper shall contain no other words.

Manufacturers and dealers to obtain a license.

SEC. 3. Every person, firm, or corporate body, and every agent of such person, firm, or corporate body, who shall manufacture, sell, or offer or expose for sale, or have in his, her, or their possession with intent to sell, oleomargarine, butterine, or any similar substance, shall first obtain from the Department of Agriculture through its agent, the Dairy and Food Commissioner, a license authorizing him, her or them to engage in the manufacture or sale of oleomargarine or butterine or similar substance, for which said license he, she, or they shall pay, if

License fees.

a manufacturer, the annual sum of one thousand dollars; if a wholesaler, the annual sum of five hundred dollars; and if a retailer, the annual sum of one hundred dollars; if a restaurant keeper, or a hotel proprietor, the annual sum of fifty dollars; and if a boarding-house keeper, the annual sum of ten dollars; and the said license fee when received by the Dairy and Food Com-

Fees to be covered into Treasury.

missioner or his agent shall be by him immediately covered into the State Treasury. And after obtaining the license required by this section, before any person, firm or corporate body shall manufacture, sell, or offer or expose for sale, or have in his, her, or their possession with intention to sell, oleomargarine or butterine or any similar sub-

Signs to be obtained from commissioner.

stance, he, she, or they shall be required to procure from the Department of Agriculture, through the Dairy and Food Commissioner, a sign or signs, as the Dairy and Food Commissioner shall determine, which in size and lettering shall be as the Dairy and Food Commissioner shall direct, and shall be uniform throughout the Commonwealth, clearly setting forth that he, she, or they are engaged in the manufacture or sale of oleomargarine or butterine or any other similar substances, as the case may be, which said sign or signs, when procured, shall be hung up in a conspicuous place or places on the walls of the rooms or store in which the oleomargarine or butterine or other similar substance is manufactured or sold: *Provided*, That peddlers and others who may have obtained a license as herein required, and who shall sell, offer or expose for sale, or have in their possession with the intent to sell, oleomargarine or butterine or any similar substance, upon the public streets or ways, may sell or offer or expose for sale, or have in their possession with intent to sell, the same, if the cart, wagon or vehicle, or receptacle in which the oleomargarine or butterine or other substance is contained, is marked or placarded on two sides of the exterior of said vehicle or receptacle in uncondensed Gothic letters, not less than four inches in length, with the words "Licensed to sell oleomargarine" or "Licensed to sell butterine," and if they shall in all other respects comply with the provisions of this act. All licenses under this act shall expire on the thirty-first day of December of each year; but licenses may be granted the first of any month for the remainder of a year upon the payment of a proportionate part of an annual license fee. Wholesale dealers within the meaning of this act, shall be all persons, firms, and corporate bodies who shall sell to dealers, and persons who shall buy to sell again, and all persons, firms and corporate bodies who make sales in quantities of ten pounds and over at any time; and retail dealers shall be all persons, firms and corporate bodies who shall sell in quantities less than ten pounds.

Signs to be conspicuously hung.

Delivery vehicles to be marked.

Licenses expire December 31.

Wholesale and retail dealers defined.

Penalty.

SEC. 4. Every person, firm, or corporate body who shall manufacture, sell, or offer or expose for sale, or have in his, her, or their possession with intent to sell, oleomargarine or butterine or any similar substance, in violation of any of the provisions of this act, or who shall in any other respect violate any of its provisions, shall for every such offense forfeit and pay the sum of one hundred dollars, which shall be recoverable, with the costs, including the expense of inspection and analysis, by any person suing in the name of the Commonwealth, as debts of like amount are by law recoverable; and justices of the peace and aldermen throughout this Commonwealth shall have jurisdiction to hear and determine all actions for recovery of penalties, with the right of appeal in either party to the court of common pleas, as provided in existing laws in suits for penalties; and all penalties and costs imposed and recovered under the provisions of this act shall be paid to the Dairy and Food Commissioner or his agent, and by him immediately covered into the State Treasury. Any person, firm, or corporation who shall manufacture, sell, offer or expose for sale, or have in his, her, or their possession with intent to sell, oleomargarine or butterine or any other similar substance, in violation of any of the provisions of this act, or who shall in any other respect violate any of its provisions, shall also be guilty of a misdemeanor, and upon conviction thereof shall be punished for the first offense by a fine of not less than one hundred dollars nor more than five hundred dollars, and upon his conviction for any subsequent offense shall be punished by a fine not less than one hundred and fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than sixty days, or by both fine and imprisonment, at the discretion of the court: and all fines imposed upon any person after conviction shall be paid to the Dairy and Food Commissioner or his agent, and by him paid into the State Treasury.

Justices of the peace and aldermen have jurisdiction.

Penalties go to State treasury.

Penalty.

Fines to go to treasury.

The commissioner charged with enforcement of act.

SEC. 5. The Dairy and Food Commissioner shall be charged with enforcement of all the provisions of this act, and shall have the same power to enforce its provisions that is given him to enforce the provisions of the act by which he receives his appointment.

Moneys paid under act to constitute a special fund.

SEC. 6. The moneys paid into the treasury under the provisions of this act shall constitute a special fund for the use of the Department of Agriculture

in enforcing this law, and may be drawn out upon warrants signed by the Secretary of Agriculture and approved by the Auditor General.

Repeal. SEC. 7. All acts or parts of acts inconsistent with this act are hereby repealed, but the repeal of said acts is not in any way to interfere with or prevent the prosecution to final termination of any actions, civil or criminal, now pending for violations of said acts.

RHODE ISLAND.

See Fourteenth Annual Report of the Bureau of Animal Industry, pages 680–683, for—

General laws of 1896, chapter 146 (sections 1–5).—Concerning butter tubs and oleomargarine.

General laws of 1896, chapter 147 (sections 1–13).—Concerning milk, milk measures, and milk inspectors.

Laws of 1896, chapter 333 (sections 1–3).—An act in amendment of and in addition to chapter 147 of the general laws, entitled "Of milk." (Passed May 13, 1896.)

Recently enacted:

LAWS OF 1900, Chapter 785.

AN ACT in amendment of and in addition to chapter 333 of the public laws, entitled "An act in amendment of and in addition to chapter 147 of the general laws, entitled 'Of milk,'" passed at the January session, 1896. (Passed May 31, 1900.)

Providence inspectors may appoint two collectors of samples.

SECTION 1. Any inspector of milk in the city of Providence now in office, or hereafter elected under authority of Chapter 147 of the General Laws, entitled "Of milk," or of any act in amendment thereof or in addition thereto, may appoint, subject to the approval of the mayor and aldermen of said city of Providence, two persons as collectors of samples, each of whom shall have the same powers and be subject to the same duties and liabilities provided by law relative to collectors authorized by the provisions of Chapter 333 of the Public Laws, entitled "An act in amendment of and in addition to Chapter 147 of the General Laws, entitled 'Of Milk,'" passed at the January session, A. D. 1896. All specimens or samples taken and retained by any such collector shall be delivered to such inspector, who shall have the same powers and duties relative to the same as in case of specimens or samples taken by himself; such inspector may at any time dismiss any such collector and, subject to the approval aforesaid, appoint another person in his stead. Each such collector, upon appointment, shall be duly engaged to the faithful discharge of his duties before the city clerk of said city, who shall keep a record thereof, and shall receive such salary as the mayor and aldermen of said city shall determine.

SEC. 2. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect from and after its passage.

SOUTH CAROLINA.

See Fourteenth Annual Report of the Bureau of Animal Industry, pages 683 and 684, for—

Acts of 1896, No. 96 (sections 1–14).—An act to regulate the sale of milk, *butter*, and cheese, and to prescribe penalties for the unlawful sale or exposure for sale of any watered or adulterated or unwholesome milk and imitations or adulterations of butter and cheese. (Approved March 9, 1896.)

SOUTH DAKOTA.

See Fourteenth Annual Report of the Bureau of Animal Industry, pages 684 and 685, for—

Compiled Laws of Dakota, 1887, Political Code, Article 5, sections 2250 and 2251.—Concerning health officers and butter and cheese.

Laws of 1897, chapter 65 (sections 1–6).—An act to amend sections 2246, 2248, and 2249 of the Compiled Laws of 1887, the same being sections 1, 3, and 4, chap-

ter 64, session laws of 1885, relating to adulteration of food and drink. (Approved March 3, 1897.)

Recently enacted:

LAWS OF 1899, Chapter 89.

AN ACT relating to the manufacture, sale, compounding, or adulteration of lard, or any compounds or substitutes thereof, food, jellies, spices, and condiments, baking powders, vinegars, honey, candy, and other articles of food, to prevent fraud and to preserve the public health. (Approved February 28, 1899.)

* * * * * * *

Adulterated food to be labeled. SEC. 23. It shall be unlawful for any person or persons to offer for sale to the residents of this State, or have in their possession with intent to sell, sell, or cause to be sold, any article of food whatsoever that is adulterated, unless the package containing the same bears a label upon the outside and face of said package on which is distinctly printed, in the English language, and in legible type not smaller than double pica, the name and location of the person, firm or corporation manufacturing the same, the word "adulterated," and immediately following and below this word the common English name of the article of food which the box or package contains.

Evidence of violation. SEC. 24. The having in possession by any firm, person, or corporation any article or substance hereinbefore described and referred to as adulterated or mixed and which is not labeled as hereinbefore required and directed, shall be considered as prima facie evidence that the same is kept by such person, firm, or corporation in direct violation of the provisions of this Act.

Chemist's certificate. SEC. 25. In all prosecutions arising under this Act, the certificate of the chemist making the analysis, when duly sworn to by such analyst, shall be prima facie evidence of the fact or facts as therein certified.

Adulterated food defined. SEC. 26. Any article of food shall, for the purpose of this Act be deemed adulterated:

1. If any substance or substances shall have been mixed with an article of food so as to lower or depreciate its quality, strength, or purity.
2. If any cheaper or inferior substance or substances have been substituted wholly or in part for it.
3. If any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it.
4. If it is an imitation of, or sold or represented for sale under the name of, any other substance or article.
5. If it is colored, powdered, or treated in any manner whereby damage or inferiority is concealed.
6. If it contains any added substance or ingredient which is poisonous or injurious to health.

Prosecutions. SEC. 27. In all prosecutions under the various sections of this Act, the cost thereof shall be paid in the manner now provided by law, and it shall be the duty of all prosecuting attorneys to represent and prosecute in behalf of the people, within their respective counties, all such cases of offense arising under the provisions of this Act, and all fines imposed shall be paid into the State treasury: *Provided*, nothing in this Act shall be construed to affect stocks purchased, on hand, and for sale prior to the taking effect of this Act.

Penalty. SEC. 28. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five (25) dollars, nor more than fifty (50) dollars and costs, or by imprisonment in the county jail for not less than thirty days nor more than ninety days.

Repeal. SEC. 29. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

TENNESSEE.

See Fourteenth Annual Report of the Bureau of Animal Industry, pages 686–688, for—

Acts of 1879, chapter 169 (sections 1–4).—An act to prevent fraud in the sale of butter and cheese. (Approved March 26, 1879.)

Acts of 1895, chapter 101 (sections 1–6).—An act to provide for labeling, stamping, or marking oleomargarine, butterine, and imitation butter, and to provide against coloring the same, and fixing the punishment for violation of this act. (Approved April 10, 1895.)

Public Acts of 1897, chapter 45 (sections 1–8).—An act to prevent the adulteration and misbranding of food and drink and the deception in the sale of the same in Tennessee, and to fix the penalty for the violation of this act. (Approved March 24, 1897.)

TEXAS.

REVISED STATUTES OF TEXAS, 1895, Title 21, Chapter 2.

ARTICLE 642 [566] The purposes for which private corporations may be formed are—

* * * * * * *

SEC. 52. The establishment and carrying on of dairies and creamery companies.

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UTAH.

[Chapter 63, of the Laws of 1894, on page 689, of the Fourteenth Annual Report of the Bureau of Animal Industry, was repealed by section 19 of chapter 60 of the Laws of 1896.]

The following acts are now in force:

LAWS OF 1896, Chapter 60.

AN ACT to prevent deception and fraud in the sale of dairy products and to regulate the sale and manufacture of oleomargarine and similar products and to prohibit the sale of filled cheese and to repeal chapter 63 of the session laws of 1894, Territory of Utah. (Approved March 21, 1896.)

Sale or delivery of impure milk. Penalty.

SECTION 1. Any person who shall sell or offer for sale or furnish or deliver, or have in his possession, with intent to sell or offer for sale or furnish or deliver to any creamery, cheese factory, corporation, person or persons whatsoever, as pure, wholesome, and unskimmed, any unmerchantable, adulterated, impure, or unwholesome milk, shall upon conviction thereof be punished by a fine of not less than ten nor more than one hundred dollars for each and every offense.

Impure, etc., milk defined.

SEC. 2. In all prosecutions or other proceedings under this or any other law of this State relating to the sale or furnishing of milk, if it shall be proven that the milk sold or offered for sale, or furnished or delivered, or had in possession with intent to sell or offer for sale, or to furnish or deliver as aforesaid, as pure, wholesome, and unskimmed, has been diluted or any part of its cream abstracted, or that it or any part of it was drawn from any cow within twenty days before or five days after parturition or from any cow that has any disease or ulcer or other running sore, then and in either case the said milk shall be held, deemed and adjudged to have been unmerchantable and adulterated, impure, or unwholesome, as the case may be.

Skim milk to be labeled. Skim milk standard.

SEC. 3. No person, by himself or by his agents or servants, shall sell, exchange, or deliver, or have in his custody or possession with intent to sell, exchange, or deliver milk from which the cream or any part thereof has been removed, unless in a conspicuous place above the center upon the outside of every vessel, can, or package, from or in which such milk is sold, the words "Skimmed milk" are distinctly marked in uncondensed Gothic letters not less than one inch in length, said skim milk to contain not less than nine per centum of milk solids exclusive of fats. Whoever violates the provisions of this section shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than ten nor more than one hundred dollars for each and every offense.

Kinds of tests for adulteration.

SEC. 4. Proof of adulterations and skimming may be made with such standard tests and lactometers as are used to determine the quality of milk or by chemical analysis.

Preservatives forbidden.

SEC. 5. Any person who shall sell or offer for sale, consign, or have in his possession with intent to sell to any person or persons, any milk, cream, butter, cheese, or other dairy products, or who shall

deliver to any creamery or cheese factory milk or cream to be manufactured into butter or cheese, to which boracic acid, or salicylic acid, or compounds containing them, or other antiseptics injurious to health, have been added, shall be guilty of a misdemeanor, and upon conviction thereof be punished by a fine of not less than ten nor more than one hundred dollars for each and every offense.

Penalty.

Filled cheese prohibited. SEC. 6. No person, by himself or by his agents or servants, shall manufacture, or shall buy, sell, or offer ship, consign, expose, or have in his possession for sale any cheese manufactured from or by the use of skimmed milk to which there has been added any fat which is foreign to such milk.

Size of skim milk cheese regulated. SEC. 7. No person, by himself or by his agents or servants, shall manufacture, or shall buy, sell, ship, consign, expose, or have in his possession for sale, within this State any skimmed milk cheese, or cheese manufactured from milk from which any of the fats originally contained therein has been removed, except such cheese is not less than 9 nor more than 11 inches in diameter, and not less than 9 inches in height.

Imitation of yellow butter prohibited. SEC. 8. No person, by himself or by his agents or servants, shall render or manufacture, sell, ship, consign, offer for sale, expose for sale, take orders for the future delivery of, or have in his possession with intent to sell, any article, product, or compound made wholly or partly out of any fat, oil, or oleaginous substance or compound thereof, not produced from unadulterated milk or cream from the same, and without the admixture or addition of any fat foreign to said milk or cream, which shall be an imitation of yellow butter produced from pure, unadulterated milk or cream of the same, with or without coloring matter: *Provided*, That nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character free from coloration or ingredient that causes it to look like butter, and free from any word, brand, or marking, either upon the package or upon any wrapper or upon the contents of the same, which would in any wise tend to deceive the purchaser or consumer.

Uncolored oleomargarine permitted.

Sales of substitutes as butter forbidden. SEC. 9. It shall be unlawful for any person by himself or by his agent to sell or offer for sale to any person who asks, sends, or inquires for butter, any oleomargarine, butterine, or any substance made in imitation or semblance of pure butter not made entirely from the milk of cows, with or without coloring matter.

Oleomargarine, etc., to be labeled. SEC. 10. It shall be unlawful for any person to expose for sale oleomargarine, butterine, or any similar substance not marked and distinguished on the outside of each tub, package, or parcel thereof by a placard with the word "oleomargarine" and not having also upon the exposed contents of every open tub, package, or parcel thereof a conspicuous placard with the word "oleomargarine," such placard in each case to be printed in plain, uncondensed Gothic letters not less than one inch long, and such placard shall not contain any other words thereon.

Signs where oleomargarine is sold. SEC. 11. It shall be the duty of every person who sells oleomargarine, butterine, or any similar substance, from any dwelling, store, office, or public mart, to have conspicuously posted thereon the placard or sign in letters not less than four inches in length, "oleomargarine sold here" or "butterine sold here." Such placards shall be approved by the dairy and food inspector of the town or city, or if none by the clerk of the county, city recorder or town clerk.

Signs on wagons. SEC. 12. It shall be unlawful for any person, by himself or by his agents to peddle, sell, solicit orders for the future delivery of, or deliver from any cart, wagon, or other vehicle, oleomargarine, butterine, or any similar substance, not having on the outside of both sides of said cart, wagon, or other vehicle the placard in uncondensed Gothic letter, not less than three inches in length, "oleomargarine."

Guests to be notified. SEC. 13. It shall be unlawful for any person, by himself or by his agents or servants, to furnish or cause to be furnished, in any hotel, boarding house, restaurant, or at any lunch counter, oleomargarine, butterine, or any similar substance to any guest or patron of said hotel, boarding house, restaurant, or lunch counter, without first notifying each guest or patron that the substance so furnished is not butter.

Penalty. SEC. 14. Any person who shall violate any of the provisions of sections 6, 7, 8, 9, 10, 11, 12, 13, of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished for the first offense by a fine of not less than twenty-five dollars; and upon conviction of any subsequent offense shall be punished by a fine of not less than fifty dollars, or by imprisonment in the county jail for not less than ten days, or by both such fine and imprisonment, at the discretion of the court.

Pure butter and cheese in State institutions. SEC. 15. No butter or cheese not made wholly and directly from pure milk or cream, salt, and harmless coloring matter shall be used in any of the charitable or penal institutions of the State. Any person or persons violating any of the provisions of this section of this act, shall, upon conviction thereof, be fined not less than twenty-five or more than fifty dollars for the first offense, or for each subsequent offense not less than fifty nor more than one hundred dollars, or be imprisoned in the county jail not less than ten nor more than sixty days or by both such fine and imprisonment.

Penalty.

Warrant for unlawful imitations. SEC. 16. When complaint shall be made on oath to any magistrate authorized to issue warrants in criminal cases, that imitation butter or imitation cheese or any substance designed or intended to be used as a substitute for butter or cheese, is in the possession or under the control of any person or persons contrary to the provisions of law of this State, and that the complainant believes that it is concealed in any particular warehouse, store, or refrigerator for mercantile purposes, the magistrate, if he be satisfied that there is cause for such belief, shall issue a warrant for such property.

Search warrants described. SEC. 17. All such warrants shall be directed to the sheriff of the county or his deputy or to any constable of the county, commanding such officer to search the house, building, store, or other place where imitation butter or imitation cheese or any substance designed or intended to be used as imitation butter or cheese for which he is required to search is believed to be concealed, which place and property to be searched for shall be designated and described in the warrant, and to bring such property when found and the person or persons in whose possession the same shall be found before the magistrate who issued the warrant or before some other magistrate or court having cognizance of the case.

Disposition of articles seized. SEC. 18. When any officer in the execution of a search warrant under the provisions of this act shall find any imitation butter or cheese, or any substance designed or intended to be used as an imitation for butter or cheese and for which a search is allowed by this act, all the property so seized shall be safely kept by the direction of the court or magistrate, so long as shall be necessary for the purpose of being produced as evidence on any trial: *Provided*, That it shall be the duty of the officer who serves a search warrant issued for imitation butter and imitation cheese or any substance designed or intended to be used as imitation butter or cheese and alleged to be in his possession or under the control of any person or persons contrary to law, to deliver to any person authorized in writing to receive the same, a true and perfect sample of each article seized by virtue of such warrant, for the purpose of having the same analyzed; such analysis to be made by a chemist of any State institution and the result of such analysis or test shall be recorded and preserved as evidence, and the expense of such analysis or test, not exceeding twenty dollars in any one case may be included in the cost of such prosecution. If any sample be found to be imitation butter or imitation cheese, or substance designed or intended to be used as an imitation for butter or cheese, and that the same, at the time of such seizure, was in the possession or under the control of any person or persons contrary to any of the provisions or requirements of this act, then and in such case the property so seized shall be confiscated under the direction of the court or magistrate; otherwise the said property shall be forthwith returned to the person or persons from whom it was taken.

Analyses to be made.

Confiscation.

Repeal. SEC. 19. Chapter 63 of the Session Laws of 1894, of the Legislative Assembly of the Territory of Utah is hereby repealed.

LAWS OF 1897, Chapter 54.

AN ACT Providing for a State Dairy and Food Commissioner, and Defining the Duties thereof. (Approved March 11th, 1897.)

Dairy and food commissioner. SECTION 1. The office of Dairy and Food Commissioner for the State of Utah is hereby created. Such commis-

sioner shall be appointed by the Governor (by and with the consent of the Senate) and his term of office shall be for two years from the date of his appointment: *Provided*, That the term of office of the commissioner first appointed under this act shall expire on the first Monday in March, 1899, and vacancies occurring in the office for any cause shall be filed by appointment for the balance of the unexpired term. The salary of the commissioner shall be $600 per annum, together with his necessary and actual expenses incurred in the discharge of his official duty; which shall be paid in the same manner as to other State officers: *Provided*, That said expenses shall not exceed $300 in any one year, and a statement of these expenses with the proper vouchers attached shall be filed with the State auditor on or before December 31st of each year.

Salary.

His duties. SEC. 2. It shall be the duty of the commissioner and he is hereby invested with the powers to enforce all laws that now exist or that may hereafter be enacted in this State, regarding the production, manufacture, or sale of dairy products or the adulteration of any article of food or drink or of any drug, and personally (or by his deputy) to inspect any article of milk, butter, cheese, meat, vegetable, lard, syrup, coffee, or tea, or any other article of food or drink made or offered for sale within this State, which he may suspect or have reason to believe to be impure, unhealthy, adulterated, or counterfeit and to prosecute or cause to be prosecuted any person or persons, firm or firms, corporation or corporations engaged in the manufacture or sale of any unwholesome adulterated or counterfeit article or articles of food or drink, or drug contrary to the laws of the State.

Power of commissioner. SEC. 3. Said commissioner shall have power in the performance of his official duties to enter into any creamery, factory, store, salesroom, or other place or building where he has reason to believe that any food or drink or drug is made, prepared, sold, or offered for sale, and to open any cask, tub, package, or receptacle of any kind containing or supposed to contain, any such article, and to examine or cause to be examined and analyzed the contents thereof; and the commissioner may seize or take any article of food or drink or drug for analysis, but if the person from whom such sample is taken shall request him to do so he shall at the same time, and in the presence of the person from whom such property is taken securely seal up two samples of the article seized or taken, the one of which shall be for examination or analysis under the direction of the commissioner, and the other of which shall be delivered to the person from whom the articles were taken. Any person who shall obstruct the commissioner by refusing to allow him entrance to any place which he desires to enter in the discharge of his official duty, or who refuses to deliver to him a sample of any article of food or drink or drug made, sold, offered or exposed for sale by such person, when the same is requested and when the value thereof is tendered, shall be deemed guilty of a misdemeanor punishable by a fine of not exceeding twenty-five dollars for the first offense and not exceeding five hundred dollars or less than fifty dollars for each subsequent offense.

Duplicate samples.

Penalty for hindrance.

County attorney to assist. SEC. 4. It shall be the duty of the county attorney in any county of the State, when called upon by the commissioner, to render any legal assistance in his power to execute the laws, and to prosecute cases arising under the provisions of this act; and all fines and assessments collected in any prosecution begun or caused to be begun by said commissioner shall be paid into the State treasury.

Biennial reports. SEC. 5. Said commissioner shall make a biennial report to the Governor, which shall contain an itemized account of all expenses incurred and fines collected, with such statistics and other information as he may regard of value; and with the consent of the Governor not exceeding one thousand copies thereof, may be published annually as other official reports are published.

In effect. SEC. 6. This act shall take effect upon approval.

VERMONT.

See Fourteenth Annual Report of the Bureau of Animal Industry, pages 689–691, for—

Vermont Statutes, 1894, sections 4300, 4327–4340, 4975, and 4976.—Concerning milk, butter, cheese, and imitations.

Recently enacted:[1]

LAWS OF 1898, No. 81.

AN ACT for the protection of dairymen, relating to testing milk and cream. (Approved November 19, 1898.)

Test bottles, etc., to be accurate.

SECTION 1. All bottles, pipettes, or other measuring glasses used by any person, firm, or corporation, or their agents or employees, at any creamery, butter factory, cheese factory, or condensed milk factory, or elsewhere in this State, in determining by the Babcock test, or by any other test, the value of milk or cream received from different persons or parties at such creameries or factories, shall, before such use, be tested for accuracy of measurement and for accuracy of the per cent scale marked thereon. It shall be the duty of the superintendent of the dairy school of the University of Vermont and State Agricultural College to designate some competent person to test the accuracy of such bottles, pipettes or other measuring glasses. The person thus designated shall so mark such bottles, pipettes or other measuring glasses as are found correct in marks or characters which can not be erased, which marks or characters shall stand as proof that they have been so tested; and no incorrect bottles, pipettes, or other glasses shall be thus marked. The superintendent of the dairy school shall receive for such service the actual cost incurred and no more, the same to be paid by the persons or corporations for whom it is done.

Glassware to be examined at dairy school.

Persons making tests as basis for payments to hold certificates.

SEC. 2. Each and every person who, either for himself or in the employ of any other person, firm, or corporation, manipulates the Babcock test, or any other test, whether mechanical or chemical, for the purpose of measuring the contents of butter fat in milk or cream as a basis for apportioning the value of such milk or cream, or the butter or cheese made from the same, shall secure a certificate from the superintendent of the dairy school of the University of Vermont and State Agricultural College that he or she is competent and well qualified to perform such work. The rules and regulations in the application for such certificate and in the granting of the same shall be such as the superintendent of the school may arrange. The fee for issuing such certificate shall in no case exceed one dollar, the same to be paid by the applicant to the superintendent of the dairy school and to be used by the superintendent in meeting the expenses incurred under this section.

Complaints and penalties.

SEC. 3. Any person or persons violating any of the provisions of this act, shall, on conviction in a court of competent jurisdiction be fined not more than twenty-five dollars for the first offense, and not more than fifty dollars for each subsequent offense. It shall be the duty of every sheriff, deputy sheriff, and constable to institute complaint against any person or persons violating any of the provisions of this act, and, on conviction, one-half of the fines shall go to the complainant and the balance to the State.

LAWS OF 1898, No. 82.

AN ACT in relation to creameries and cheese factories and the management of the same (Approved November 29, 1898.)

Creamery patrons to have monthly statements.

SECTION 1. Every owner, operator, or manager of a creamery in this State, whether cooperative or proprietary, shall monthly make and deliver to each of the patrons of said creamery a statement of the number of pounds of milk or cream such patron delivers for that month, together with the test, pounds of butter fat, gain per cent from the churn, and actual pounds of butter produced from said milk, and the price paid for the same shall be computed on the actual pounds of butter.

Milk sold to be reduced to butter.

SEC. 2. Any owner, operator, or manager of any creamery, whether cooperative or proprietary, who sells or otherwise disposes of any of the milk received at such creamery, shall weigh and carefully sample the same, and shall test such samples, for the purpose of ascertaining the number of pounds of butter fat in such milk sold, or otherwise

[1] An act approved November 23, 1900, received too late to be printed in this bulletin, repeals sections 4338 4340 of chapter 183, Vermont Statutes; provides that imitations of and substitutes for butter or cheese shall be plainly labeled; and prohibits the use of such words as "dairy" in marking butter imitations. The State's attorney is given special powers for enforcing.

disposed of, and the gain per cent which is found to be the gain from the churn for that month shall be the one used in ascertaining the actual number of pounds of butter produced from such milk as is sold or otherwise disposed of.

Cheese factory patrons to have monthly statements.

SEC. 3. The owner, operator, or manager of any cheese factory in the State, whether co-operative or proprietary, shall make and deliver to each of the patrons of such factory a statement representing the number of pounds of milk he delivers for each month, together with the test and actual number of pounds of cheese produced by such milk for said month. And the price paid for the same shall be computed on actual number of pounds of cheese.

Monthly statement of operations to be posted in creameries.

SEC. 4. Every owner, operator, or manager of a creamery in this State, whether co-operative or proprietary, shall make a statement each month of the total number of pounds of milk received for that month, together with the gain per cent from the churn, and actual number of pounds of butter produced from said milk and cream.

SEC. 5. The statement mentioned in the preceding section shall be posted in a conspicuous place in said creameries.

Penalty.

SEC. 6. Any manager or proprietor of any creamery or cheese factory in the State who after request by any person refuses, or neglects for the space of ten days, to comply with any of the provisions of this act shall forfeit to said person ten dollars for each refusal or neglect, to be recovered by an action founded on this statute.

In effect.

SEC. 7. This act shall take effect January 1, 1899.

LAWS OF 1898, No. 115.

AN ACT relating to public health. (Approved October 26, 1898.)

State laboratory for examination of milk, etc.

SECTION 1. The State Board of Health is authorized to establish and equip with the proper and necessary apparatus, utensils, and instruments a State Bacteriological Laboratory, for the chemical and bacteriological examination of water supplies, milk, and all food products, and the examination of cases and suspected cases of diphtheria, typhoid fever, tuberculosis, malaria, and other infectious and contagious diseases.

Director and his duties.

SEC. 2. The State Board of Health shall appoint a director of such Laboratory, who shall hold his office for two years from the first day of December, 1898; and biennially thereafter said Board of Health shall appoint a director of such Laboratory for a similar term. He shall keep a record of all specimens sent to him for examination by residents of the State, and examine these specimens without unnecessary delay. He shall biennially before the first day of January make a full report to the State Board of Health of all matters pertaining to the Laboratory, and shall make such other and special reports as the State Board of Health may ask for. His salary and that of his assistant shall be fixed by the State Board of Health.

SEC. 3. The use of the Laboratory and all investigations therein made shall be free to the people of this State.

Appropriation.

SEC. 4. The sum of Five Thousand Dollars is hereby appropriated for the purpose of procuring the proper and necessary apparatus, utensils and instruments for the equipment of such laboratory; and the sum of Eight Thousand Dollars per year is hereby appropriated to pay the salaries, procure the necessary supplies, and to meet the other necessary expenses of said laboratory, which sums shall be expended under the supervision of the State Board of Health. The total annual expense of maintaining said laboratory shall not exceed the sum of Eight Thousand Dollars.

In effect.

SEC. 5. This act shall take effect from its passage.

VIRGINIA.

See Fourteenth Annual Report of the Bureau of Animal Industry, pages 691–693, for—

Code of 1887, title 25, chapter 84, sections 1871 and 1899–1901.—Concerning butter brands, creameries, sale of imitation butter and cheese.

Acts of 1891-92, chapter 526 (sections 1-7).—An act to prevent the adulteration of butter and cheese and the sale of the same, and preserve the public health. (Approved March 1, 1892.)

Acts of 1897-98, chapter 146 (sections 1-4).—An act to prevent deception in the manufacture and sale of imitation butter. (Approved January 29, 1898.)

Recently enacted:

ACTS OF ASSEMBLY, VIRGINIA, 1899-1900, page 694, Chapter 655.

AN ACT to prevent the sale of adulterated and misbranded food in the State of Virginia. (Approved February 27, 1900.)

Board of Agriculture to examine foods.

SECTION 1. That for the purpose of protecting the people of the State from imposition by the adulteration and misbranding of articles of food, the board of agriculture shall cause to be procured from time to time, and under the rules and regulations to be prescribed by them, in accordance with section nine of this act, samples of food, beverages, and condiments offered for sale in the State, and shall cause the same to be analyzed or examined microscopically or otherwise by the chemists or other experts of the department of agriculture. The board of agriculture is hereby authorized to make such publications of the results of the examinations, analyses, and so forth, as they may deem proper.

Publication of results.

Adulterated or misbranded food prohibited.

SEC. 2. That no person, by himself, or agent, shall knowingly manufacture, sell, expose for sale, or have in his possession with intent to sell, any article of food which is adulterated or misbranded within the meaning of this act; and any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and for such offenses shall be fined not exceeding two hundred dollars for the first offense, and for each subsequent offense not exceeding three hundred dollars, or be confined in jail not exceeding one year, or both, and such fines, less legal costs and charges, shall be paid into the treasury of the State.

Penalty.

Chemists of Department of Agriculture to assist.

SEC. 3. That the chemists or other experts of the department of agriculture shall make, under rules and regulations prescribed by the board of agriculture, examinations of specimens of food, beverages, and condiments offered for sale in Virginia which may be collected from time to time under their directions in various parts of the State. If it shall appear from such examination that any of the provisions of this act have been violated, the commissioner of agriculture shall at once certify the facts to the commonwealth's attorney for the city or county in which the offense shall have been committed, and furnish that officer with a copy of the result of the analysis duly authenticated by the analyst under oath.

Commonwealth's attorneys to prosecute.

SEC. 4. That it shall be the duty of every commonwealth's attorney to whom the commissioner of agriculture shall report any violation of this act, to cause proceedings to be commenced and prosecuted without delay for the fines and penalties in such cases provided.

"Food" and "misbranded," defined.

SEC. 5. That the term "food," as used herein, shall include all articles of food—candy, condiment, or drink, by man or domestic animals, whether simple, mixed or compound. The term "misbranded," as herein used, shall include all articles of food or articles which enter into the composition of food, the package or label of which shall bear any statement purporting to name any ingredients or substances as being contained or not being contained in such article, which statement shall be false in any particular.

Adulteration defined.

SEC. 6. That for the purpose of this act any article of food shall be deemed adulterated—First. If any substance or substances has or have been mixed or packed with it, so as to reduce or lower or injuriously affect its quality or strength so that such product, when offered for sale, shall deceive or tend to deceive the purchaser. Second. If any inferior substance or substances has or have been substituted wholly or in part for the article so that the product when sold shall deceive or tend to deceive the purchaser. Third. If any valuable constituent has been wholly or in part abstracted, so that the product when sold shall deceive or tend to deceive the purchaser. Fourth. If it be an imitation of and sold under the specific name of another article. Fifth. If it be mixed, colored, powdered, coated, polished, or stained in a manner whereby

damage or inferiority is concealed, so that such product when sold shall deceive or tend to deceive the purchaser. Sixth. If it contain any added poisonous ingredient, or any ingredient which may render such article injurious to the health of the person consuming it. Seventh. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when branded so, or an imitation either in package or label of an established proprietary product, which has been trade marked or patented. Eighth If it consists of the whole or any part of a diseased, filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal or of an animal that has died otherwise than by slaughter. * * * *Provided*, That an article of food, beverage, or condiment which does not contain any added poisonous ingredient shall not be deemed to be adulterated in the following cases: First. In the case of articles, mixtures, or compounds which may be now, or from time to time hereafter, known as articles of food, beverages or condiments under their own distinctive names and not included in definition fourth of this section. Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are mixtures, compounds, combinations, imitations, or blends. Third. When any matter or ingredient has been added to the food, beverage, or condiment because the same is required for the production or preparation thereof as an article of commerce in a state fit for carriage or consumption and not fraudulently to increase the bulk, weight, or measure of the food, beverage, or condiment, or conceal the inferior quality thereof: *Provided*, That the same shall be labeled, branded, or tagged as prescribed by the board of agriculture, so as to show them to be compounds and the exact character thereof: * * * Fourth. Where the food, beverage, or condiment is unavoidably mixed with some harmless extraneous matter in the process of collection or preparation: *Provided further*, That no person shall be convicted under the provisions of this act when he is able to prove a written guaranty of purity in a form approved by the board of agriculture as published in their rules and regulations, signed by the wholesale jobber, manufacturer, or other party from whom he purchased said article.

Exceptions.

Compound, etc., products to be branded. SEC. 7. That the board of agriculture is hereby authorized to cause all compound, mixed, or blended products to be properly branded, and prescribe how this shall be done.

Information to be published. SEC. 8. That it shall be the duty of the board of agriculture to prepare and publish from time to time lists of the articles, mixtures or compounds declared to be exempt from the provisions of this act in accordance with section six. The board of agriculture shall also from time to time fix and publish the limits of variability permissible in any article of food, beverage, or condiment, and these standards, when so published, shall remain the standards before all courts: *Provided*. That when standards have or may be fixed by the secretary of agriculture of the United States they shall be accepted by the board of agriculture, and published as the standards for Virginia.

Standards.

Samples for analysis. SEC. 9. That every person who exposes for sale or delivers to a purchaser any condiment, beverage, or article of food shall furnish, within business hours, and upon tender and full payment of the selling price, a sample of such condiments, beverages, or articles of food to any person duly authorized by the board of agriculture to secure the same, and who shall apply to such manufacturer or vender or person delivering to a purchaser such beverage or article of food, for such sample for such use in sufficient quantity for the analysis of such article or articles in his possession.

Hindrance, etc. SEC. 10. That any manufacturer or dealer who refuses to comply upon demand with the requirements of section nine of this act, or any manufacturer, dealer, or person who shall impede, obstruct, hinder, or otherwise prevent or attempt to prevent any chemist, inspector, or other person in the performance of his duty in connection with this act shall be guilty of a misdemeanor, and shall, upon conviction, be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned not more than one hundred days, or both, and said fine less legal cost shall be paid into the treasury of the State.

Penalty.

No interference with commerce. SEC. 11. That this act shall not be construed to interfere with commerce, or any interstate commerce laws of the United States.

Repeal. SEC. 12. All acts or parts of acts in conflict with this act are, to that extent, hereby repealed.

In effect. SEC. 13. This act shall take effect on and from the first day of July, nineteen hundred.

WASHINGTON.

[Chapter 45, session of 1895 (sections 1–25), on pages 693–696 of the Fourteenth Annual Report of the Bureau of Animal Industry, appears to be superseded and repealed by the first act below.]

Recently enacted:

LAWS OF 1899, Chapter 43.

AN ACT regulating the manufacture of dairy products, to prevent deception or fraud in the sale of the same or imitation thereof, providing for the appointment of a dairy commissioner and defining his duties, creating a State board of dairy commissioners and defining their duties, imposing certain duties upon the chemists of State institutions, providing penalties for violations of this law, making an appropriation. (Approved March 7, 1899.)

Unmerchantable, adulterated, etc., milk prohibited.

SECTION 1. It shall be unlawful for any person to sell or offer for sale, or furnish or deliver to any creamery, cheese factory, corporation, person or persons whatsoever, as pure, wholesome, and unskimmed, any unmerchantable, adulterated, skimmed, impure, or unwholesome milk.

Milk standard.

SEC. 2. In all prosecutions or other proceedings under this or any other law of this State, relating to the sale or furnishing of milk, if it shall be proven that the milk sold or offered for sale, or furnished or delivered or had in possession with intent to sell or offer for sale, or to furnish or deliver, as aforesaid, as pure, wholesome, or unskimmed milk, contain less than three per centum of pure butter fat, or less than eight per centum of milk solids other than fat, when subject to chemical analysis or other satisfactory tests, or that it, or any part of it, was drawn from cows known by the person complained of to have been within fifteen days before or four days after parturition, or to have any disease or ulcers, or other running sores, then and in either case the said milk shall be held and judged to be unmerchantable, adulterated, impure, or unwholesome, as the case may be, and if it shall appear that cows kept for the production of milk or cream, for market or for sale or exchange, or for manufacturing their milk into articles of food, are kept in a crowded or unhealthy condition, or are being fed on distillery waste or other substance in a state of putrefaction or rottenness, or upon any substance of an unhealthful nature, the milk or cream from same is hereby declared impure and unwholesome. Any milk or cream from the same that has been exposed to or contaminated by emanations, discharges, or exhalations from persons or animals, or to which has been added any borax, boracic acid, salicylic acid, or any other poisonous substance which prevents or tends to prevent the normal bacterial actions of milk, is hereby declared to be impure and unwholesome.

Defining impure, etc., milk and cream.

Preservatives.

State cheese brand.

SEC. 3. The Washington State dairy commissioner is hereby authorized and directed to procure and issue to the cheese manufacturers of the State, and under any regulations as to the custody and use thereof as he may prescribe, a uniform stencil brand bearing a suitable device or motto and the words "Washington State Full Cream Cheese." Every brand issued shall be used on the outside of the cheese, and shall have a different number for each separate manufactory, and the commissioner shall keep a book in which shall be registered the name, location, and number of each manufactory using the said brand, and the name or names of the persons at each manufactory authorized to use the same. It shall be unlawful to use or permit such stencil brand to be used upon any other than full-cream cheese or packages containing the same, and such cheese only as shall contain thirty per centum of pure butter fat and have been manufactured from pure and wholesome milk, from which no portion of the butter fat shall have been removed by skimming or by other process, and in the manufacture of which neither butter nor any substance for butter, or any animal or vegetable fats or oils, have been used, or any fat which has been extracted from milk in any form and returned for the purpose of filling said cheese, shall be stamped with the "State brand." All cheese containing less than thirty per centum of pure butter fat shall be marked "skimmed cheese" in full-face capital letters not less than one inch high, with such ink as is not easily removed by moisture. The manufacture or sale of any cheese containing less than fifteen per centum of pure butter fat, or so-called "filled cheese," is hereby prohibited *Provided*, That nothing in this section shall be construed to apply to

Cheese standard.

Skimmed cheese to be marked.

Filled cheese prohibited, fancy cheese permitted.

Edam, Brickstein, Pineapple, Limburger, Swiss, or hand-made cheese, or any other fancy cheese: *Provided further*, That cheese not made in this State, but which shall be sold or offered for sale in this State, shall be so stamped as to indicate its true character: *And provided further*, That no cheese shall be stamped "full cream" which does not in every particular comply with the requirements of "Washington full cream" cheese, as hereinbefore set forth, except as to place of manufacture.

Cheese from out of state.

Annual reports from dairy concerns.

SEC. 4. The dairy commissioner shall furnish blanks to all proprietors or managers of creameries, cheese factories, or milk dairies that ship milk and all the vendors and peddlers of milk within the State, for the purpose of making a report of the amount of milk and dairy goods handled, and all owners or managers of such creameries and cheese factories, and all milk dairies, milk vendors, or milk peddlers shall fill out the blank, giving a full and accurate report of the business done during the year, and send it to the dairy commissioner before the first day of November of each year; every person or corporation who shall engage in the business of purchasing or dealing in milk shall attach in a permanent manner to each can furnished by him or it to the producer a tag containing in plain figures a correct statement of the capacity thereof. Any neglect or failure or false statement on the part of any proprietor or manager of such creamery, cheese factory, dairy, or milk vendor or milk peddler, shall be considered a misdemeanor, and upon conviction thereof shall be punished by a fine as provided in section 13: *Provided*, That any information thus furnished shall be published only in such form as to show totals and averages, and not the details of the business of any individual or concern.

Capacity of cans to be shown.

False statement.

Imitation butter prohibited.

SEC. 5. No person, by himself, his agents, or his servants, shall render or manufacture, sell, offer for sale, expose for sale, or have in his possession with intent to sell or serve for patrons, guests, boarders, or inmates of any hotel, eating house, restaurant, public conveyance, or boarding house or public or private hospital, asylum, school, or eleemosynary or penal institution, any article, product, or compound made wholly or partly out of any fat, oil, or oleaginous substance or compound thereof, not produced directly and wholly at the time of manufacture from unadulterated milk or the cream from the same, with or without harmless coloring matter, which shall be in imitation of yellow butter produced from pure, unadulterated milk or the cream from the same: *Provided*, That nothing in this act shall be construed to prohibit the manufacture and sale of oleomargarine in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to resemble butter, or the use of the same by patrons, guests, boarders, or inmates of any hotel, eating house, restaurant, public conveyance, or boarding house, when signs are displayed in a conspicuous place that may be easily read from any part of the room.

Oleomargarine permitted.

Imitation cheese prohibited.

SEC. 6. It shall be unlawful for any person to sell or offer for sale or exchange, or have in his possession for sale, any cheese containing any substance except salt, rennet, and harmless coloring matter, other than that produced from pure milk or cream, or both, or from pure skimmed or pure half-skimmed milk.

Dairy commissioner.

SEC. 7. There shall be appointed by the governor, by and with the consent and advice of the senate, one competent person who shall be denominated the dairy commissioner, whose term of office shall continue four years from and after the first Monday in April after his appointment, subject to removal for cause by the governor, or until his successor be appointed and qualified.

Bond required.

SEC. 8. Before entering upon his duties said dairy commissioner shall file with the secretary of State a good and sufficient bond in the sum of five thousand dollars ($5,000) conditioned for the faithful discharge of his duties under this act.

Deputies to be appointed.

SEC. 9. Said dairy commissioner may appoint one or more deputies whenever he is unable to perform all the duties of his office without assistance. They shall hold office at the pleasure of the dairy commissioner who may summarily remove any such deputy whenever in his judgment the public service calls for such removal: *Provided*, No deputy shall be employed at the cost of the State for more than thirty days in any one year: *Provided*, That not more than six deputies be appointed.

Duty of dairy commissioner.

SEC. 10. It shall be the duty of the dairy commissioner to devote his entire time and attention to the dairy interests of the State of Washington, to enforce all laws that now exist or that may be hereafter enacted in this State regarding the production, manufacture, or sale of dairy produce, and personally to inspect any articles of milk, butter, cheese, or imitations thereof, made or offered for sale within the State, which he may suspect or have reason to believe to be impure, unhealthful, adulterated, or counterfeit; and to prosecute or cause to be prosecuted any person or persons, firm or firms, corporation or corporations engaged in the manufacture or sale of any adulterated or counterfeit dairy products contrary to law.

Duty of chemists in State institutions.

SEC. 11. It shall be the duty of the chemist of any State institution to correctly analyze, without extra compensation, and without other charge to the State than necessary traveling expenses, any and all substances that the dairy commissioner may send to any of them and to report to him without unnecessary delay the result of any analysis so made, and when called upon by said dairy commissioner any such chemist shall assist him in prosecuting violators of the law, by giving testimony, either expert or otherwise.

Powers of dairy commissioner or deputies.

SEC. 12. The dairy commissioner or his deputies shall have power, in the performance of their official duties, to enter any creamery, cheese or condensed milk factory, store, salesroom, warehouse, or any place or building where he has reason to believe that any dairy products or imitations of dairy products are kept, made, prepared, sold, or offered for sale or exchange; and to open any cask, tub, package, or receptacle of any kind, containing or supposed to contain any such article, and to examine, or cause to be examined and analyzed, the contents thereof; he may seize or take any such article for analysis: *Provided*, That if the person from whom such sample is taken shall request him to do so, he shall at the same time and in the presence of the person from whom such property was taken, seal up two samples of the article seized or taken, one of which shall be for examination or analysis under the direction of said commissioner, and the other of which shall be delivered to the person from whom the article is taken.

Penalty.

SEC. 13. Any person who shall violate any of the provisions of this act, or who shall obstruct the dairy commissioner in the performance of his duties under this act by refusing him entrance to any place enumerated in the preceding section, or by refusing to deliver to him any dairy products or imitations thereof upon demand, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars ($25), nor more than one hundred dollars ($100), or by imprisonment for not less than one month or more than six (6) months, or by both such fine and imprisonment.

Compensation and expenses of dairy commissioner.

SEC. 14. The dairy commissioner shall receive an annual salary of twelve hundred dollars ($1,200) and his necessary expenses in the discharge of his duties under this act: *Provided*, That such expenses shall not exceed one thousand dollars ($1,000).

Legal assistance.

SEC. 15. It shall be the duty of the attorney general or the prosecuting attorney in any county of the State, when called upon by the dairy commissioner, to render any legal assistance in their power to execute the laws and to prosecute cases arising under the provisions of this act: *Provided*, That the dairy commissioner may employ special counsel when necessary.

State board ex-officio.

SEC. 16. The secretary of State, the professor of agriculture of the agricultural college and the dairy commissioner are hereby created a State board of dairy commissioners *ex-officio*.

Traveling expenses allowed.

SEC. 17. The State board of dairy commissioners shall receive no compensation for their services as such board, but shall be allowed necessary traveling expenses. All accounts for expenditure incurred or made pursuant to the provisions of this act shall be approved and certified by said State board of dairy commissioners before presentation to the state auditor.

Biennial reports.

SEC. 18. The State board of dairy commissioners shall biennially, on December first, report to the governor of this State a full account of their actions under this act; also the operations and results of this and any other laws pertaining to the dairy industry of the State; a full account of all expenses and disbursements of the board; as full and complete statistics as it is in

their power to collect pertaining to the manufacture, imports and exports of dairy products within the State for the biennial term; and shall make suggestions as to the need of further legislation on this subject.

Expenses. SEC. 19. All expenses incurred under the provisions of this act shall be audited by the State auditor upon bills being presented, properly certified by the board of dairy commissioners, and the said auditor shall, from time to time, draw warrants upon the State treasurer for the amounts thus audited.

Appropriation. SEC. 20. To carry out the provisions of this act, there is hereby appropriated out of the general fund of the State for the term beginning April 1, 1899, six thousand dollars ($6,000).

Disposition of fines. SEC. 21. One-half of all fines collected under the provisions of this act shall be paid to the State treasurer and placed to the credit of the general fund and the remainder to be paid forthwith into the treasury of the county in which the conviction is obtained

Assistance from railroads, etc. SEC. 22. All clerks, bookkeepers, express agents, railroad officials, employes, or employes of common carriers shall render to the dairy commissioner and his deputies all the assistance in their power in tracing, finding, or discovering the presence of any article named in this act. Any refusal or neglect on the part of such clerks, bookkeepers, express agents, railroad officials, employes, or employes of common carriers to render such friendly aid, shall be a misdemeanor, punishable by fine of not less than twenty-five ($25) nor more than one hundred dollars ($100), or by imprisonment for not less than one month or more than six months, or by both such fine and imprisonment for each and every offense.

Penalty.

Cream standard. SEC. 23. No person shall sell or offer for sale any cream taken from impure or diseased milk, or any cream that contains less than eighteen per centum of pure butter fat. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100), or by imprisonment for not less than one (1) month nor more than six (6) months, or by both such fine and imprisonment.

Penalty.

License to peddle milk. SEC. 24. Every person who conveys milk in carriages, carts, or other vehicle for the purpose of selling the same in any city or town in the State of Washington, shall annually on the first day of June, or within thirty (30) days thereafter, procure from the State dairy commissioner a license to sell milk within the limits of said city or town, and shall pay to the said dairy commissioner the sum of one dollar ($1) for each carriage, cart, or other vehicle to be used as provided for in section 29. Licenses shall be issued only in the names of the owners of carriages, carts, and other vehicles and shall, for the purpose of this act, be conclusive evidence of ownership. No license shall be sold, assigned, or transferred; each license shall contain the name, residence, place of business, number of carriages, carts, or other vehicles used, and the number of the license. Each licensee shall, before engaging in the sale of milk, cause his name, the number of the license, and his place of business to be legibly placed on each outer side of all carriages, carts, or other vehicles used by him in the conveyance or sale of milk. Whoever, without being first licensed under the provisions of this section, sells milk or exposes it for sale from carriages, carts, or other vehicles, or has the same in his custody or possession with intent to sell, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars ($25) for each offense, nor more than one hundred dollars ($100), or by imprisonment for not less than one month or more than six months or by both such fine and imprisonment: *Provided*, That nothing in this section shall apply to persons handling or using the milk from not more than two cows.

Vehicles to bear signs.

Penalty.

Milk license for stores, etc. SEC. 25. Every person before selling milk or offering it for sale in a store, booth, stand, or market place in any town or city, shall procure a license from the State dairy commissioner and shall pay to said commissioner the sum of one dollar ($1) yearly, within thirty days after June 1. Any person who neglects to procure such license shall be deemed guilty of a misdemeanor, and upon conviction shall be punished for each offense by a fine of not less than twenty five dollars ($25) nor more than one hundred dollars ($100) for each and every offense or by imprisonment for not

Penalty.

less than one month or more than six months or by both such fine and imprisonment.

Skimmed milk to be marked. SEC. 26. No person shall sell or expose for sale in any store or place of business or in any wagon or other vehicle used in the transportation or sale of milk from which cream has been removed or milk commonly called "skimmed milk" without first marking the can or package containing said milk with the words "skimmed milk" in large plain black letters, each letter being at least one inch high and one-half inch wide, said words to be on the side not below the middle of said can or package, where they can be easily seen. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100) for each and every offense, or by imprisonment for not less than one month or more than six months or by both such fine and imprisonment. **Penalty.**

Moneys received by commissioner. SEC. 27. That all moneys received for licenses or from the sale of any and all goods confiscated by the dairy commissioner under this act shall be received by said commissioner and deposited the first of every month with the State treasurer, to be placed in the general fund.

Evidence. SEC. 28. Possession by any person or firm of an article or substance the sale of which is prohibited by this act shall be considered *prima facie* evidence that the same is kept by such person or firm in violation of the provisions of this act, and the commissioner shall be authorized to seize upon and take possession of such articles or substances, and upon the order of any court which has jurisdiction thereof, he shall sell the same for any purpose other than to be used for food, the proceeds to be paid to the State treasurer and placed to the credit of the general fund.

State brand for creamery butter. SEC. 29. The State dairy commissioner is hereby authorized and directed to procure and issue to the manufacturers of creamery butter of the State and under such regulations as to the custody and use thereof as he may prescribe a uniform brand bearing a suitable device or motto, and the words "Washington Creamery Butter." Every brand issued shall be used on the wrapper of each package and also on the outside of every package used by him, and shall contain a different number for each separate manufactory, and the commissioner shall keep a book in which shall be registered the name, location, and number of each manufacturer using the said brand. It shall be unlawful to use or permit such brand to be used upon any other than Washington creamery butter or packages containing the same. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined for each offense not less than twenty-five dollars ($25) nor more than one hundred dollars ($100) or by imprisonment for not less than one month or more than six months, or by both such fine and imprisonment. **Penalty.**

Process or renovated butter to be marked. SEC. 30. No person, firm, or corporation shall manufacture, sell, or offer for sale or have in his possession with intent to sell butter known as process butter, unless the package in which the butter is sold has marked on the side of it the words "renovated butter" in capital letters one inch high and one-half inch wide with ink which is not easily removed: *Provided*, That it shall be unlawful for any retailer to sell said butter and unless a card is displayed on the package from which he is selling butter with the following words printed thereon so that it may be easily read by the purchaser "renovated butter," or if it is sold in packages on which a wrapper is used the words "renovated butter" shall be plainly printed on each and every wrapper: *Provided further*, That all process butter shipped from other states shall be subject to the same regulations as provided in this section. Whoever violates the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined for each and every offense not less than twenty-five dollars ($25) nor more than one hundred dollars ($100) or by imprisonment for not less than one month or more than six months, or by both such fine and imprisonment. **Card displayed on package.** **Wrapper marked.** **Penalty.**

Repeal. SEC. 31. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

In effect. SEC. 32. An emergency exists, and this act shall take effect immediately.

LAWS OF 1899, Chapter 113.

AN ACT to provide against the adulteration of food. (Approved March 13, 1899.)

Adulterated food prohibited. SECTION 1. No person shall, within this State, manufacture for sale, offer for sale, or sell any article of food which is adulterated within the meaning of this act.

Food defined. SEC. 2. The term "food," as used herein shall include all articles used for food or drink by man, whether simple, mixed, or compound.

Adulterated defined. SEC. 3. Any article shall be deemed to be adulterated within the meaning of this act: In the case of food—(1) If any substance or substances have been mixed with it, so as to lower or depreciate, or injuriously affect its quality, strength, or purity. (2) If any inferior or cheaper substance or substances have been substituted wholly or in part for it. (3) If any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it. (4) If it is an imitation of, or is sold under the name of, another article. (5) If it consists wholly or in part, of a diseased, decomposed, putrid, infected, tainted, or rotten animal, or vegetable or fruit substance or article, whether manufactured or not; or in the case of milk, if it is the produce of a diseased animal. (6) If it is colored, coated, polished, or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is. (7) If it contains any added substance or ingredient which is poisonous or injurious to health: *Provided*, That the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles or ingredients of articles of food, if each and every package sold or offered for sale be distinctly labeled as mixtures or compounds, with the name and per cent of each ingredient therein and are not injurious to health.

Samples for analysis. SEC. 4. Every person manufacturing, exposing, or offering for sale, or delivering to a purchaser, any article of food included in the provisions of this act, shall furnish to any person interested or demanding the same, who shall apply to him for the purpose, and shall tender him the value of the same, a sample sufficient for the analysis of any such article of food which is in his possession.

Penalties. SEC. 5. Whoever refuses to comply, upon demand with any of the requirements of section 4, and whoever violates any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding one hundred nor less than fifty dollars, or imprisoned not exceeding ninety or less than thirty days, or both; any person found guilty of manufacturing, offering for sale, or selling any adulterated articles of food under the provisions of this act, shall be adjudged to pay, in addition to the penalties herein provided for, all necessary costs and expenses incurred in inspecting and analyzing such adulterated articles of which said person may have been found guilty of manufacturing, selling, or offering for sale: *Provided*, That all penalties and costs for the violation of the provisions of this act shall be paid to the State dairy and food commission, or their agent, and by them paid into the State treasury, to be paid as a fund separate and apart for the use of the State dairy and food commissioner for the enforcement of this act, and called "pure food fund."

Disposition of penalties.

Dairy and food commissioner; additional salary. SEC. 6. The State dairy commissioner shall be State dairy and food commissioner, and shall receive, in addition to his salary as dairy commissioner, $300 per year, as extra compensation for enforcing the provisions of this act, and his necessary expense, out of the pure food fund in the discharge of his duties under this act.

Appropriation. SEC. 7. There shall be appropriated for salary of State dairy and food commissioner $600, for two years ending April 1st, 1901, and $1,000 out of the food commission fund for expenses of said commissioner.

Chemists in State institutions to assist. SEC. 8. It shall be the duty of the chemist of any State institution to correctly analyze, without extra compensation, and without extra charge to the State other than necessary expenses, any and all substances that the dairy [and] food commissioner may send to them, and to report to him without [un]necessary delay, the result of any analysis so made, and when called upon by said commissioner, any such chemist shall assist him in prosecuting violations of the law by giving testimony, either expert or otherwise.

Legal assistance. SEC. 9. It shall be the duty of the attorney general, or the prosecuting attorney in any county in the State, when called upon by the dairy commissioner to render any legal assistance in their power to execute the laws and to prosecute cases arising under the provisions of this act: *Provided*, That the dairy commissioner may employ special counsel if necessary.

State board of dairy and food commission. SEC. 10. The State board of dairy commissioners, *ex officio*, shall be "the State board of dairy and food commission." All expenses incurred under the provisions of this act shall be paid out of the "pure food fund," and shall be audited by the State auditor upon bills being presented, properly certified by the board of dairy and food commission, and the State auditor shall from time to time draw warrants upon the State treasurer for the amounts thus audited.

This act shall take effect April 1, 1899.

WEST VIRGINIA.

See Fourteenth Annual Report of the Bureau of Animal Industry, page 697, for—

Code of 1891, chapter 150, sections 20 and 20a.—Concerning adulterated food and imitation butter and cheese.

Acts of 1891, chapter 8 (sections 1–3).—An act in relation to manufacture and sale of oleomargarine, artificial or adulterated butter. (Approved February 16, 1891.)

WISCONSIN.[1]

[The laws of Wisconsin were published on pages 697–703 of the Fourteenth Annual Report of the Bureau of Animal Industry, but have since been issued in different form, as below.]

Dairy commissioner; term, etc. 1. [Section 1410, Statutes of 1898.] The dairy and food commissioner shall be appointed by the governor, by and with the advice and consent of the senate, for a term of two years from the date of his appointment and until his successor qualifies. Vacancies occurring from any cause shall be filled for the remainder of the term by the governor, with the advice and consent of the senate if it shall be in session, or if it is not in session, subject to approval at the session next held after such appointment is made, if the term for which it was made has not expired.

Assistant, chemist, agent, and clerk. Such commissioner may, with the advice and consent of the governor, appoint an assistant, who shall be an expert in dairy products, and a chemist who shall be a practical analytical chemist; he may also, with such advice and consent, appoint an agent for the inspection of milk dairies, factories, and creameries, and to assist in the work of the dairy and food commission at such times and for such periods of time as may be required in the enforcement of the dairy and food laws. The compensation of such agent shall be three dollars per day for each day of actual service, and his expenses, to be audited by the secretary of State on the presentation of accounts approved by the dairy and food commissioner. Said commissioner may also appoint a stenographer and confidential clerk. The commissioner shall be furnished with a suitable office in the capitol, and with such supplies and printing as may be necessary. He shall as soon as practicable after the thirtieth day of September in each even-numbered year make a report to the governor and give therein an itemized statement of all expenses incurred by him, and of all fines collected, with such statistics and other information and suggestions as he may regard of value.

Report.

Powers and duties. 2. [Section 1410*a*, Statutes of 1898.] It shall be the duty of the commissioner to enforce the laws regarding the production, manufacture, and sale of dairy products, the adulteration of any article of food or drink or of any drug, and personally or by his assistants to inspect any milk, butter, cheese, lard, syrup, coffee, tea, or other article of food or drink or drug made or offered for sale within this State which he may suspect or have reason to believe to be impure, unhealthful, adulterated, or counterfeit, and to prosecute or cause to be prosecuted any person, firm, or corporation engaged in the manufacture or sale of any adulterated or counterfeit article or articles of food or drink or drug in violation of law. The district attorney of the county in which a violation of any such law has occurred shall, when called upon

Legal assistance.

[1] Arranged as in "Laws of Wisconsin, relating to the office and duties of the dairy and food commissioner, and the adulteration of butter, cheese, milk, and other foods, drugs, and medicines, with rulings thereon," published in 1899 by the dairy and food commissioner.

by the commissioner or either of his assistants to do so, give all the aid he can to secure the execution of the law and shall prosecute cases arising under the provisions of this chapter or other provisions of these statutes relating to the adulteration of food, drinks, and drugs and their sale. Such commissioner shall have power to appoint, with the approval of the governor, special counsel to prosecute or assist in the prosecution of any case arising under the provisions of these statutes imposing a penalty for adulterating dairy products or practicing deception or fraud in the manufacture and sale thereof. All fines collected in prosecutions begun or caused to be begun by the dairy and food commissioner or either of his assistants shall be paid into the State treasury.

Disposition of fines.

Authority for inspections. 3. [Section 1410*b*, Statutes of 1898.] The commissioner, his agent or assistant shall have free access to any barn or stable where any cow is kept or milked, or to any factory, building, dairy, or premises where any dairy product is manufactured, handled, or stored, when the milk from such cow or such product is to be sold or shipped, and may enforce such measures as are necessary to secure perfect cleanliness in and around the same and of any utensil used therein, and to prevent the sale of milk from cows diseased or fed upon unwholesome food. Either of them may enter any place or building in which there is reason to believe that any food, drink, or drug is made, prepared, sold, or offered for sale, and may open any package or receptacle of any kind containing, or which is supposed to contain, any article of food, drink, or drug, and examine or analyze the contents thereof. Any such article or sample thereof may be seized or taken for the purpose of having it analyzed; but if the person from whom it is taken shall so request, at the time of taking, the officer shall then and in the presence of such person securely seal up two samples of such article, one of which shall be for analysis under the direction of the commissioner, the other shall be delivered to the person from whom the sample or article was obtained. Said commissioner shall adopt a uniform stencil, bearing a suitable device or motto, a number and the words "Wisconsin full-cream cheese" and a space for a number, and upon proper application therefor and under such regulations as to the custody and use thereof as he may prescribe, issue the same, with the proper number inserted, to the proprietor or manager of any cheese factory in this State; he shall enter in a book kept for that purpose the name, location and number of each factory using such stencil, no number being duplicated, and the name of the person thereat authorized to use the same.

Samples.

Cheese brands.

Analyses. 4. [Section 1410*c*, Statutes of 1898.] The State board of health, medical officers of local boards of health, town and village boards or common councils may submit to the dairy and food commissioner samples of water or other drinks, of food or drugs for analysis, and the same shall be examined and reports made of the analysis thereof to the body or officer submitting the same as soon as practicable; such reports shall fully specify the results of the analysis and be signed by such commissioner; they shall be accepted in all courts and places as prima facie evidence of the properties or condition of the articles analyzed.

Farmers' institutes. 5. [Section 1410*d*, Statutes of 1898.] The governor may authorize the commissioner or his assistants, when not engaged in the performance of other official duties, to give such aid in farmers' institutes, dairy and farmers' conventions and the agricultural department of the State university as may be deemed advisable. For the necessary expenses of making the analyses contemplated in the foregoing sections the commissioner may incur an annual expense of not to exceed six hundred dollars, the accounts for which, when verified and itemized and appproved by the governor shall be audited by the secretary of State.

Persons obstructing; penalty. 6. [Section 4607*h*, Statutes of 1898.] Any person who shall obstruct the dairy and food commissioner of this State or either of his assistants in the performance of their duty by refusing him entrance to any place he is authorized to enter or by refusing to deliver to him a sample of any article of food, drink, or drug made, sold, offered or exposed for sale by the person to whom request therefor is made, if the value thereof is tendered, shall be punished for the first offense by fine not exceeding twenty-five dollars, and for each subsequent offense by fine not exceeding five hundred dollars nor less than fifty dollars.

Adulterated milk. 7. [Section 4607, Statutes of 1898]. Any person who shall sell or offer for sale, furnish, or deliver, or have in possession with intent to sell or offer for sale or furnish or deliver to any creamery, cheese factory, cor-

Penalty. poration, or person as pure, wholesome and unskimmed any unmerchantable, adulterated, impure, or unwholesome milk shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars.

Milk standard. 8. [Section 4607*a*, Statutes of 1898.] In all prosecutions under the preceding section or any other section of these statutes for the sale of unmerchantable, adulterated, impure, or unwholesome milk any milk which shall be proven to contain less than three per centum of pure butter fat, when subjected to chemical analysis or other satisfactory test, or that has been diluted, or any part of the cream of which has been abstracted, or that, or any part of it, was drawn from a cow known to the defendant to have been at the time it was drawn within fifteen days before or less than four days after parturition, or which was so known to have any disease, ulcers or other running sores, then and in either such case the milk sold or offered for sale, furnished, or delivered or had in possession with intent to sell, offer it for sale or furnish or deliver it as pure, wholesome, and unskimmed shall be held or found to be unmerchantable, adulterated, impure, or unwholesome, as the fact may be. Proof of adulteration or skimming may be made with such standard tests and lactometers as are used to determine the quality of milk or by chemical analysis.

Diseased cows; unsanitary conditions; slops. 9. [Section 1, chapter 313, laws of 1899.] No person by himself or agent shall offer for sale, furnish, or deliver, or have in possession with the intent to sell, or offer for sale, or furnish or deliver, milk or cream drawn from sick or diseased cow or cows kept in filthy and unsanitary condition, or cows fed on refuse or slops from distilleries or vinegar factories, unless such refuse or slop be mixed with other dry sanitary grain or food to a consistency of a thick mush.

Foreign substances in milk. 10. [Section 2, chapter 313, laws of 1899.] No person by himself or agent shall offer for sale or furnish or deliver or have in possession with the intent to sell, offer for sale, or furnish or deliver, any milk or cream having therein or containing in any amount any foreign substance or coloring matter or any chemical or preservative, whether for the purpose of increasing the quantity of milk or cream or for improving its appearance, or for preserving the condition of sweetness thereof, or for any purpose whatever, provided that nothing in this act shall be construed to prohibit the sale of pasteurized milk or cream, to which viscogen or sucrate of lime has been added solely for the purpose of restoring the viscosity, if the same be distinctly labeled in such manner as to advise the purchaser of its true character.

Penalty. 11. [Section 3, chapter 313, laws of 1899.] Any person violating any of the provisions of this act shall, upon conviction, be fined not less than twenty-five nor more than one hundred dollars for each and every offense.

Imitation cheese prohibited. 12. [Section 4607*c*, Statutes of 1898.] Any person who shall, by himself, his agent or servant, manufacture, buy, sell, offer, ship, consign, expose, or have in possession for sale any cheese manufactured from or by the use of skim milk to which there has been added any fat which is foreign to such milk, or who shall by himself, his agent or servant, manufacture, buy, sell, offer, ship, consign, expose, or have in possession for sale,

Skim cheese size regulated. within this State, any skimmed-milk cheese, or cheese manufactured from milk from which any of the fat originally contained therein has been removed, except such last mentioned cheese is ten inches in diameter and nine inches in height, or who shall, by himself, his agent

Imitation butter prohibited. or servant, render or manufacture, sell, ship, consign, offer, or expose for sale or have in possession with intent to sell, any article, product, or compound made wholly or partly out of any fat, oil, or oleaginous substance or compound thereof, not produced from unadulterated milk or cream from the same, and without the admixture or addition of any fat foreign to said milk or cream, which shall be in imitation of yellow butter pro-

Penalty. duced from such milk or cream, with or without coloring matter, shall, for the first offense, be punished by fine of not more than five hundred dollars nor less than fifty dollars, and for each subsequent offense by imprisonment in the county jail not to exceed sixty days nor less than ten days, or by fine of not more than five hundred dollars nor less than one hundred dollars, or by

Oleomargarine permitted. both such fine and imprisonment. Nothing in this section shall be construed to prohibit the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character, and free from coloration or ingredient that causes it to look like butter.

Notice of sale or use of imitation butter.

13. [Section 4607*d*, Statutes of 1898.] Any person who shall sell or offer for sale to any person who asks, sends, or inquires for butter, any oleomargarine, butterine, or any similar substance made in imitation or semblance of pure butter, not made entirely from the milk of cows, with or without coloring matter, or who shall expose for sale oleomargarine, butterine, or any similar substance not marked and distinguished on the outside of each tub, package, or parcel thereof by a placard with the word "oleomargarine," and not having also upon every open tub, package, or parcel thereof a placard with the word "oleomargarine," such placard in each case to be printed in plain, uncondensed Gothic letters not less than one inch long, and not containing any other words thereon, or who shall sell oleomargarine, butterine, or any similar substance from any dwelling, store, office, or public mart, without having conspicuously posted thereon the placard or sign, in letters not less than four inches in length, "oleomargarine sold here" or "butterine sold here," which placard or sign shall be approved by the dairy and food commissioner of this State, or who shall sell or deliver from any cart, wagon or other vehicle, upon the public streets or ways, oleomargarine, butterine, or any similar substance, without having on the outside of both sides of said cart, wagon, or other vehicle a placard, in uncondensed Gothic letters not less than three inches in length, "licensed to sell oleomargarine," or who shall furnish or cause to be furnished in any hotel, boarding-house, restaurant, or at any lunch counter, oleomargarine, butterine, or any similar substance to any guest or patron thereof, without first notifying such guest or patron that the substance so furnished is not butter, shall be punished as provided in the last preceding section.

Penalty.

Imitation butter and cheese in State institutions prohibited.

14. [Section 4607*e*, Statutes of 1898.] Any person who shall knowingly or negligently buy or procure for use as food in any of the charitable, correctional, or penal institutions of this State any butter or cheese not made wholly and directly from pure milk or cream, salt, and harmless coloring matter, shall be fined not exceeding fifty dollars nor less than twenty-five dollars for the first offense, and for each subsequent offense shall be punished by imprisonment in the county jail not more than ninety days nor less than ten days, or by fine not exceeding one hundred dollars nor less than fifty dollars, or by both fine and imprisonment.

Penalty.

Renovated butter to be marked.

15. [Section 1, chapter 76, laws of 1899.] No person by himself or agent shall sell, exchange, or deliver, or expose for sale or offer for sale renovated butter, or butter which has been melted and its rancidity removed or masked, and which has been regrannulated, colored, and prepared in imitation or in semblance of genuine creamery butter, unless the substance be marked distinctly on the outside of each and every package or parcel thereof by a label printed with the words "Renovated Butter," and without having on each and every open tub, package, or parcel thereof a placard with the words "Renovated Butter," such placard or brand in each case to be printed in plain, uncondensed Gothic capitals not less than one inch long, and such placard shall contain no other words thereon.

Penalty.

16. [Section 2, chapter 76, laws of 1899.] Any person who shall violate any of the provisions of this act [the preceding paragraph] shall be guilty of a misdemeanor, and upon conviction thereof be fined not less than twenty-five nor more than one hundred dollars.

Cheese falsely labeled.

17. [Section 4438*g*, Statutes of 1898.] Any person who shall sell, offer for sale, ship, or consign cheese labeled with a false brand or label as to the quality of the article, or shall use any stencil or label furnished by the dairy and food commissioner of this State and bearing the words "Wisconsin full-cream cheese," otherwise than upon the bandage on the side of full-cream cheese and upon the package containing the same, shall be punished by fine of not more than fifty dollars nor less than twenty-five dollars.

Cleanliness of dairy cows and utensils.

18. [Section 4607*j*, Statutes of 1898.] Any person owning or managing a dairy, the product of which is sold for family use, who shall feed his cows upon unwholesome food or keep them in unclean stables or handle the milk with unclean utensils shall be deemed guilty of a misdemeanor and upon conviction thereof be fined not less than twenty-five dollars nor more than one hundred dollars for the first offense, and not less than one hundred dollars nor more than two hundred dollars for each subsequent offense.

Penalty.

Wrongful use of milk.

19. [Section 1494*a*, Statutes of 1898.] Any butter or cheese manufacturer who shall knowingly use or allow any other person to use for the benefit of himself or any other person than he who is entitled to the benefit thereof any milk or cream from the milk brought to him, without the consent of the owner thereof, or who shall refuse or neglect to keep or cause to be kept a correct account (which shall be open to the inspection of any person furnishing milk to him) of the amount of milk daily received, or of the number of pounds of butter, and the number and aggregate weight of cheese made by him each day, or of the number of cheese cut or otherwise disposed of and the weight of each, shall for each and every offense forfeit not less than twenty-five nor more than one hundred dollars, one-half of which shall be paid to the person upon whom any such fraud has been committed and who first made complaint thereof; the remainder shall be paid to the school fund.

Fraudulent accounts.

Penalty.

Unwholesome provisions.

20. [Section 4599, Statutes of 1898.] Any person who shall knowingly sell any kind of diseased, corrupted, or unwholesome provisions, whether for meat or drink, without making the same fully known to the buyer, shall be punished by imprisonment in the county jail not more than six months or by fine not exceeding one hundred dollars.

Penalty.

Sale of adulterated food prohibited.

21. [Section 4600, Statutes of 1898.] Any person who shall, by himself, his servant, or agent or as the servant or agent of any other person, sell, exchange, deliver, or have in his possession with intent to sell, exchange, offer for sale, or exchange any drug or article of food which is adulterated, shall be fined not less than twenty-five dollars nor more than one hundred dollars or be imprisoned in the county jail not less than thirty days nor more than four months. The term "drug," as used in this section, shall include all medicines for internal or external use, antiseptics, disinfectants, and cosmetics. The term "food," as used herein, shall include all articles used for food or drink by man, whether simple, mixed, or compound.

Penalty.

Food defined.

22. [Section 4601, Statutes of 1898.] An article shall be deemed to be adulterated within the meaning of the preceding section:

1. In the case of drugs: * * *

When adulterated.

2. In the case of food: First, if any substance or substances have been mixed with it, so as to lower or depreciate or injuriously affect its strength, quality, or purity; second, if any inferior or cheaper substance or substances have been substituted wholly or in part for it; third, if any valuable or necessary ingredient has been wholly or in part abstracted from it; fourth, if it is an imitation of or sold under the name of another article; fifth, if it consists, wholly or in part, of a diseased, infected, decomposed, putrid, tainted, or rotten animal or vegetable substance or article, whether manufactured or not; sixth, if it is colored, coated, polished, or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; seventh, if it contains any added substance or ingredient which is poisonous, injurious, or deleterious to health, or any deleterious substance not a necessary ingredient in its manufacture: *Provided*, That the provisions of this or the preceding section shall not apply to mixtures or compounds recognized as ordinary articles of food if the same be distinctly labeled as mixtures or compounds and from which no necessary ingredient in their preparation is eliminated.

WYOMING.

REVISED STATUTES, 1899.[1]

Milk may be sold Sundays.

SEC. 2644. It shall be unlawful for any person or persons, company, or corporation to keep open any barber shop, store, shop, or other place of business for the transaction of business therein upon the first day of the week, commonly called Sunday: *Provided*, This section shall not apply to * * * vendors of ice, milk, fresh meat, and bread, except as to the sale of liquors and cigars. Any person, company, or corporation who shall violate the provisions of this section, shall, on conviction thereof, be fined in a sum of money not less than twenty-five dollars, nor more than one hundred dollars, for each offense.

Adulterating foods; penalty.

SEC. 5109. Every person who adulterates or dilutes any article of food, drink, drug, medicine, spirituous or

[1] Sec. 2644—S. L. 1888, chapter 86, section 2. 5109 and 5110—R. S. 1887, sections [illegible]

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malt liquor, or wine, or any article used in compounding them, with a fraudulent intent to offer the same for sale, or to cause or permit the same to be offered for sale, as unadulterated and undiluted; and every person who fraudulently sells or keeps or offers for sale the same as unadulterated or undiluted shall be punished by a fine of not more than five hundred dollars, or imprisonment in the county jail not more than sixty days, or by both.

Sale of unwholesome foods; penalty.

SEC. 5110. Every person who knowingly sells or keeps, or offers for sale, or otherwise disposes of, or tries to dispose of, any article of food, drink, drug, or medicine, knowing that the same has become tainted, decayed, spoiled, or otherwise unwholesome or unfit to be eaten or drunk shall be fined not more than fifty dollars, or imprisoned in the county jail not more than thirty days, or both.

CANADA.

See Fourteenth Annual Report of the Bureau of Animal Industry, pages 703–708, for—

49 Victoria, chapter 42 (section 1).—An act to prohibit the manufacture and sale of certain substitutes for butter. (Assented to 2d June, 1886.)

52 Victoria, chapter 43 (sections 1–11).—An act to provide against frauds in the supplying of milk to cheese, butter and condensed milk manufactories. (Assented to 2d May, 1889.)

— Victoria, chapter — (sections 1–11).—An act to prevent the manufacture and sale of filled or imitation cheese, and to provide for the branding of dairy products.

60 and 61 Victoria, chapter 21 (sections 1–9).—An act to provide for the registration of cheese factories and creameries, and the branding of dairy products, and to prohibit misrepresentation as to the dates of manufacture of such products. (Assented to 29th June, 1897.)

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